

ASSEMBLY BILL

No. 1729

**Introduced by Committee on Water, Parks and Wildlife (Wolk
(Chair), Maze (Vice Chair), Caballero, Huffman, Lieu, Mullin,
Nava, and Salas)**

March 13, 2007

An act to amend Sections 18, 62, 331, 332, 396, 711.2, 856, 1001, 1011, 1050.1, 1052, 1052.5, 1053.5, 1054, 1054.2, 1054.8, 1124, 2001, 2005, 2006, 2011, 2012, 2016, 2019, 2106, 2115, 2120, 2121, 2127, 2150.3, 2150.4, 2186, 2187, 2189, 2192, 2345, 2346, 2347, 2348, 2349, 2353, 2362, 2535, 3001, 3003.5, 3004, 3007, 3031.2, 3050, 3051, 3054, 3080, 3087, 3242, 3500, 3683, 3801, 3801.6, 3803, 4000, 4005, 4012, 4152, 4180, 4181.1, 4181.5, 4186, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 4904, 5514, 5650, 5652, 6301, 7145, 7147, 7149.2, 7149.4, 7149.45, 7153, 7180, 7852.27, 8022, 8030, 8250.5, 8284, 8372, 8383, 8573, 8576, 8597, 8598, 8632, 8681, 10500, 10506, 11032, 12000, 12001.5, 12002, 12002.1, and 12013 of, to add Sections 19, 89.1, 12002.11, and 12002.2.1 to, to repeal Sections 397, 2150.5, 3005.9, 3005.91, 3005.92, 3005.93, 3005.94, 3055, 3055.1, 3304, 3680, 4001, 4181.2, 5020, and 5502 of, and to repeal and add Section 12157.5 of, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1729, as introduced, Committee on Water, Parks and Wildlife. Fish and wildlife.

(1) Existing law requires each person that takes birds or mammals in California to apply for, and be granted, a hunting license. Existing law authorizes specified persons to obtain tags or stamps for the taking

of specific animals or aquatic species, if certain requirements are met. Existing law imposes specific requirements for the proper completion of a tag.

This bill would remove references to a “license tag” or “license stamp” and, instead, would refer only to a “tag” or “stamp.” This bill would revise existing tag completion provisions for deer, wild pigs, and bear.

(2) Existing law establishes the license year for a falconry license as commencing on March 1 and ending on the last day of February of the next succeeding calendar year. Existing law imposes a fee for permits for the importation, exportation, or intrastate transfer of a bird-of-prey.

This bill would modify that year to commence July 1, and end on the last day of June. The bill would delete that permit fee.

(3) Existing law establishes in the Resources Agency, the Department of Fish and Game to manage and protect wildlife trust resources. Existing law defines “wildlife” to include all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.

This bill would include reptiles in that definition.

(4) Existing law provides that nothing prohibits the department from taking, for scientific or propagation purposes, fish, amphibians, reptiles, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

This bill would also provide that nothing prohibits the department from such takings for public health or safety purposes, the prevention or relief of suffering, or law enforcement purposes.

(5) Generally, it is unlawful to possess fish, reptiles, or amphibians except during the open season where taken and for 10 days thereafter; and not more than the possession limit of a fish, reptile, or amphibian may be possessed during the period after the close of the open season. It is also generally unlawful to possess game birds or mammals except during the open season where taken. Existing law defines “bag limit” to mean the maximum limit, in number or amount, of birds, mammals, fish, or amphibians that may lawfully be taken by any one person during a specified period of time.

This bill would make it unlawful to take mammals, birds, fish, reptiles, and amphibians outside of established seasons or to exceed any bag limit or possession limit established in this code or by regulations adopted by the commission. Violation of any established season, bag limit, or possession limit may be charged as a violation of this section or of the specific code section or regulation that establishes the season

or limit. The bill would additionally define “possession limit” to mean the maximum, in number or amount of, birds, mammals, fish, reptiles, or amphibians that may be lawfully possessed by one person. The bill would include reptiles in the bag limit definition.

(6) Existing law makes it unlawful to use certain artificial lights to assist in that taking of specified animals.

This bill would make it unlawful to use or possess at any time for such a purpose, any night vision equipment or optical devices that use light amplifying circuits that are electrical or battery powered.

(7) Existing law makes it unlawful to possess a loaded rifle or shotgun in a vehicle or conveyance standing or being driven on or along a public highway or other public way.

This bill would revise that loaded weapon provision to apply to possession of loaded firearms, as described, and would define public highway or other way open to the public for that purpose.

(8) Existing law makes it unlawful to enter, without permission, certain lands marked to forbid trespass with the purpose of discharging a firearm or taking or destroying specified fish or game animals.

This bill would also make it unlawful to enter such lands having in possession certain weapons or other equipment, without regard to purpose.

(9) Existing law includes state and local governmental officials and their agents in a general prohibition against authorizing a bounty for any bird or mammal.

This bill would authorize the commission to adopt regulations to provide an exemption for governmental agencies and public entities on property under their control.

(10) Existing law enumerates specific criteria for the adoption by the commission, on or before January 1, 2007, of regulations to be promulgated with respect to wild animals. The regulations are required to be designed to provide for the welfare of wild animals.

This bill would also require that the regulations be designed to provide for the safety of the public.

(11) Existing law regulates the importation of live nonnative wild animals, including a requirement for a 72-hour holding period for such animals found at large.

This bill would define “nonnative wild animal” and would delete the holding period requirement.

(12) Existing law regulates the importation and transportation of designated dead animals.

This bill would include reptiles among those designated dead animals.

(13) Existing law makes it unlawful to take birds or mammals with firearms or with bow and arrow when intoxicated.

This bill would make it unlawful to take birds or mammals with firearms, air rifles, crossbows, or with bow and arrow when intoxicated.

(14) Existing law makes it unlawful to discharge certain weapons within 150 yards of certain buildings, establishing a safety zone.

This bill would also make it unlawful to intentionally discharge any firearm or release any arrow or crossbow bolt over or across any public road or way, open to the public, in an unsafe manner.

(15) Existing law, except as specified, makes it unlawful to possess or confine certain live cats, excepting house cats, provides for the seizure of unlawfully possessed or confined cats, requires the adoption of regulations by the commission, and requires the department inspection of permitted facilities.

This bill would delete those provisions.

(16) Existing law generally requires a hunting license applicant to have completed a hunter safety course.

This bill would rename that course a hunter education course. The bill would make corresponding changes to related provisions.

(17) Existing law provides for the licensure and regulation of domesticated migratory game bird shooting areas. That law requires that a licensee raise or use a minimum of 500 birds during the annual license period.

This bill would delete the requirement imposing that minimum.

(18) Existing law makes it a misdemeanor to take any Antwerp or homing pigeon.

This bill would delete that provision.

(19) Existing law defines resident game birds and upland game bird species. Existing law permits the taking of certain nongame birds.

This bill would revise those definitions.

(20) Under existing law, the department is authorized to take any bird that is unduly preying on any bird, mammal, or fish.

This bill would authorize the department to take any individual bird, or birds of any species, that, in its opinion, are unduly preying upon any species of bird, mammal, amphibian, reptile, or fish.

(21) Existing law defines fur-bearing mammals to include pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

This bill would delete wolverine, cross fox, and silver fox from that definition.

(22) Existing law generally requires a person who traps fur-bearing mammals or nongame mammals, designated by the commission, or who sells raw furs of those mammals, to procure a trapping license from the department.

This bill would provide that nothing in the Fish and Game Code or regulations adopted pursuant thereto shall be construed to prevent a land owner, lessee, governmental agency, public entity, their agents, or employees, on property under their control, from trapping specified animals, unless prohibited by federal law or if the species is listed pursuant to the California Endangered Species Act.

(23) Existing law makes it unlawful to take certain fox varieties for profitmaking purposes.

This bill would revise that provision to make it unlawful only to take the Sierra Nevada red fox for those purposes.

(24) Existing law regulates the taking of certain animals injuring property.

This bill would delete an existing requirement that the department develop statewide guidelines to aid in determining the damage caused by wild pigs. The bill would authorize the department to allow certain exceptions to specific requirements concerning the take of deer and rabbits.

(25) Existing law makes it unlawful, in any district or part of a district in Butte County, to kill or retain in possession any king, silver, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth.

This bill would make it unlawful to kill or retain in possession any chinook, coho, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth, in inland waters.

(26) Existing law generally makes it unlawful to deposit specified substances in, or permit them to pass into, or place them where they can pass into, the waters of this state.

This bill would also make it unlawful to deposit specified substances in, or permit them to pass into, or place them where they can pass into, any storm drain. The bill would define “waters of this state,” to have the same meaning as “waters of the state” as defined in the Water Code.

(27) Existing law makes it unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of

the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

This bill would add litter, refuse, waste, and debris to that list of items.

(28) The department is authorized to enter at any time any car, warehouse, depot, ship, or growing area where any fish, amphibians, or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether those fish, amphibians, or aquatic plants are infected, diseased, or parasitized.

This bill would also authorize entry into vehicles and containers, would change the purpose to a regulatory inspection, and additionally authorize the department to determine if aquaculture products are being or have been legally imported, transported, or possessed.

(29) Existing law requires every person over the age of 16 years who takes any fish, reptile, or amphibians for any purpose other than profit to first obtain a license for that purpose and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license. Existing law excepts an owner of real property, or the owner's invitee, who takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner's real property and that is located offstream and not hydrologically connected to any permanent or intermittent waterway of the state.

This bill would revise that exception as to eligible persons and water bodies.

(30) Existing law requires a commercial fishing license for specified commercial fishing activities. Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires a person engaging in activities for which a commercial fishing license is required to have specified identification.

This bill would authorize the use of a current valid passport as identification under specified circumstances.

(31) Existing law generally makes it unlawful to use specified weapons in a game refuge.

This bill would include air rifles and crossbows in those weapons.

(32) Existing law makes specific violations of regulation or statute an infraction.

This bill would add several violations of regulations to that existing infraction provision. The bill would also make several other violations of statute an infraction.

(33) Existing law authorizes a judge before whom any person is tried and convicted of violating provisions relating to property damage and trespass, and also convicted of violating provisions relating to unlawful possession of game or unlawful use of artificial lights to order the forfeiture of any motor vehicle or snowmobile used in committing one or more of the offenses charged. Existing law requires that any vehicle so forfeited be sold or destroyed by the department, and the proceeds paid into the Fish and Game Preservation Fund.

This bill would revise those provisions to provide for forfeiture of certain vehicles upon conviction, forfeiture of bail, or specified pleadings in regard to listed violations.

(34) The bill would make other corresponding and clarifying changes, as well as deleting certain obsolete provisions.

(35) Existing law generally makes it a crime to violate fish and game laws.

This bill, by revising and adding to those laws, would change the definition of crime, thereby imposing a state-mandated local program.

(36) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18 of the Fish and Game Code is amended
2 to read:

3 18. "Bag limit" means the maximum limit, in number or
4 amount, of birds, mammals, fish, *reptiles*, or ~~amphibia~~ which
5 *amphibians* that may lawfully be taken by any one person during
6 a specified period of time.

7 SEC. 2. Section 19 is added to the Fish and Game Code, to
8 read:

1 19. "Possession limit" means the maximum, in number or
2 amount, of birds, mammals, fish, reptiles, or amphibians that may
3 be lawfully possessed by one person.

4 SEC. 3. Section 62 of the Fish and Game Code is amended to
5 read:

6 62. "Open season" means that period of time during which the
7 taking of birds, mammals, fish, or ~~amphibia~~ amphibians is allowed:
8 *as prescribed in this code and regulations adopted by the*
9 *commission. If used to define the period of time during which take*
10 *is allowed "season" means "open season."*

11 SEC. 4. Section 89.1 is added to the Fish and Game Code, to
12 read:

13 89.1. "Waters of the state," "waters of this state," and "state
14 waters" have the same meaning as "waters of the state" as defined
15 in subdivision (e) of Section 13050 of the Water Code.

16 SEC. 5. Section 331 of the Fish and Game Code is amended
17 to read:

18 331. (a) The commission may determine and fix the area or
19 areas, the seasons and hours, the bag and possession limit, and the
20 sex and total number of antelope (*Antilocapra americana*) that may
21 be taken under regulations ~~which~~ that the commission may adopt
22 from time to time. Only a person possessing a valid hunting license,
23 who has not received an antelope ~~license~~ tag under these provisions
24 during a period of time specified by the commission, may obtain
25 a ~~license~~ tag for the taking of antelope.

26 (b) The department may issue a ~~license~~ tag upon payment of a
27 fee. The fee for a ~~license~~ tag shall be fifty-five dollars (\$55) for a
28 resident of the state, as adjusted under Section 713. On or before
29 July 1, 2007, the commission shall, by regulation, fix the fee for
30 a nonresident of the state at not less than a fee of three hundred
31 fifty dollars (\$350), as adjusted under Section 713. The fee shall
32 be deposited in the Fish and Game Preservation Fund and shall be
33 expended, in addition to money budgeted for salaries of persons
34 in the department, for the expense of implementing this section.

35 (c) The commission shall direct the department to annually
36 authorize not less than one antelope tag or more than 1 percent of
37 the total number of tags available for the purpose of raising funds
38 for programs and projects to benefit antelope. These tags may be
39 sold at auction to residents or nonresidents of the state or by another

1 method and are not subject to the fee limitation prescribed in
2 subdivision (b).

3 (d) The commission shall direct the department to annually
4 authorize one antelope tag of the total number of tags available
5 for issuance to nonresidents of the state.

6 SEC. 6. Section 332 of the Fish and Game Code is amended
7 to read:

8 332. (a) The commission may determine and fix the area or
9 areas, the seasons and hours, the bag and possession limit, and the
10 number of elk that may be taken under rules and regulations ~~which~~
11 *that* the commission may adopt from time to time. The commission
12 may authorize the taking of tule elk if the average of the
13 department's statewide tule elk population estimates exceeds 2,000
14 animals, or the Legislature determines, pursuant to the reports
15 required by Section 3951, that suitable areas cannot be found in
16 the state to accommodate that population in a healthy condition.

17 (b) Only a person possessing a valid hunting license may obtain
18 a ~~license~~ tag for the taking of elk.

19 (c) The department may issue an elk ~~license~~ tag upon payment
20 of a fee. The fee for a ~~license~~ tag shall be one hundred sixty-five
21 dollars (\$165) for a resident of the state, as adjusted under Section
22 713. On or before July 1, 2007, the commission shall, by regulation,
23 fix the fee for a nonresident of the state at not less than one
24 thousand fifty dollars (\$1050), as adjusted under Section 713. The
25 fees shall be deposited in the Fish and Game Preservation Fund
26 and shall be expended, in addition to money budgeted for salaries
27 of the department, for the expense of implementing this section
28 and Section 3951.

29 (d) The commission shall annually direct the department to
30 authorize not more than three elk hunting ~~license~~ tags for the
31 purpose of raising funds for programs and projects to benefit elk.
32 These ~~license~~ tags may be sold at auction to residents or
33 nonresidents of the state or by another method and are not subject
34 to the fee limitation prescribed in subdivision (c).

35 (e) The commission shall direct the department to annually
36 authorize one elk tag of the total number of tags available for
37 issuance to nonresidents of the state.

38 SEC. 7. Section 396 of the Fish and Game Code is amended
39 to read:

1 396. (a) The falconry license shall be valid for a license year
2 beginning on ~~March~~ July 1 and ending on the last day of ~~February~~
3 *June* of the next succeeding calendar year. If issued after ~~March~~
4 *July* 1 of any year, a falconry license is valid for the remainder of
5 that license year.

6 ~~(b) The fee for a falconry license shall be as follows:~~

7 ~~(1) For the license year beginning March 1, 1986, the fee is~~
8 ~~thirty dollars (\$30).~~

9 ~~(2)~~

10 ~~(b) For the license years beginning on or after March 1, 1987,~~
11 ~~the fee for a falconry license is a base fee of thirty dollars (\$30)~~
12 ~~as adjusted under Section 713.~~

13 ~~(c) Upon the filing of an affidavit showing the loss or destruction~~
14 ~~of an unexpired falconry license and the payment of a fee of eight~~
15 ~~dollars (\$8), a replacement license may be issued for the remainder~~
16 ~~of the license period.~~

17 SEC. 8. Section 397 of the Fish and Game Code is repealed.

18 ~~397. (a) A fee shall be collected for each permit issued for the~~
19 ~~importation, exportation, or intrastate transfer of a bird-of-prey.~~

20 ~~(b) The fee for the permit shall be as follows:~~

21 ~~(1) For the period March 1, 1986, through February 28, 1988,~~
22 ~~the fee is ten dollars (\$10).~~

23 ~~(2) On and after March 1, 1988, the fee is a base fee of ten~~
24 ~~dollars (\$10) as adjusted under Section 713.~~

25 ~~(c) The Legislature finds that the timeliness of the issuance of~~
26 ~~permits is important to the proper practice of falconry and can~~
27 ~~affect the training, breeding, and well-being of birds-of-prey.~~
28 ~~Accordingly, applications for permits shall be processed in the~~
29 ~~order received. In addition, no fee shall be imposed with respect~~
30 ~~to any permit issued more than 10 working days after receipt of a~~
31 ~~complete and properly filled in application that satisfies all~~
32 ~~requirements of applicable statutes and regulations, and any fee~~
33 ~~previously collected shall be promptly refunded. The person~~
34 ~~submitting an application for a permit that is incomplete,~~
35 ~~improperly filled in, or does not satisfy a requirement of an~~
36 ~~applicable statute or regulation shall be notified of the deficiency~~
37 ~~within 15 working days of receipt of the application.~~

38 SEC. 9. Section 711.2 of the Fish and Game Code is amended
39 to read:

1 711.2. (a) For purposes of this code, unless the context
2 otherwise requires, “wildlife” means and includes all wild animals,
3 birds, plants, fish, amphibians, *reptiles*, and related ecological
4 communities, including the habitat upon which the wildlife depends
5 for its continued viability and “project” has the same meaning as
6 defined in Section 21065 of the Public Resources Code.

7 (b) For purposes of this article, “person” includes any individual,
8 firm, association, organization, partnership, business, trust,
9 corporation, limited liability company, company, district, county,
10 city and county, city, town, the state, and any of the agencies of
11 those entities.

12 SEC. 10. Section 856 of the Fish and Game Code is amended
13 to read:

14 856. (a) All employees of the department designated by the
15 director as deputized law enforcement officers are peace officers
16 *as provided by Section 830.2 of the Penal Code*. The authority of
17 that peace officer extends to any place in the state as to a public
18 offense committed or which *offense* there is probable cause to
19 believe has been committed within the state.

20 (b) Every peace officer described in this section, ~~prior to~~ *before*
21 the date that he or she is first deputized by the department, shall
22 have satisfactorily completed the basic course as set forth in the
23 regulations of the Commission on Peace Officer Standards and
24 Training.

25 (c) Every peace officer described in this section who is not
26 promoted, appointed, or transferred to a first-level supervisory
27 position, as defined in the regulations of the Commission on Peace
28 Officer Standards and Training, shall satisfactorily complete, at
29 least once every two years, the advanced officer course as set forth
30 in the regulations of the Commission on Peace Officer Standards
31 and Training.

32 (d) Every peace officer described in this section who is
33 promoted, appointed, or transferred to a first-level supervisory
34 position, as defined in the regulations of the Commission on Peace
35 Officer Standards and Training, shall satisfactorily complete, within
36 the minimum time limit prescribed by the regulations of the
37 Commission on Peace Officer Standards and Training, the
38 supervisory course as set forth in those regulations.

(e) Persons described in this section as peace officers who do not satisfactorily complete the courses required by subdivisions (b) to (d), inclusive, shall not have the powers of a peace officer.

SEC. 11. Section 1001 of the Fish and Game Code is amended to read:

1001. Nothing in this code or any other law shall prohibit the department from taking, for scientific or, propagation, *public health or safety, prevention or relief of suffering, or law enforcement* purposes, fish, ~~amphibia~~ *amphibians*, reptiles, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

SEC. 12. Section 1011 of the Fish and Game Code is amended to read:

1011. (a) The department may *procure insurance for any of the following purposes*:

~~(a) Procure insurance for~~

(1) *For* its employees against special hazards in connection with their duties occasioned by the existence of a state of war, in addition to workers' compensation insurance.

~~(b) Procure insurance for~~

(2) *For* its employees against injury or death in the course of performance of their duties arising from airplane accidents.

~~(c) Procure insurance on~~

(3) *For* vessels owned or operated by the department against special hazards occasioned by the existence of a state of war, in addition to usual hazards.

~~(d) Procure insurance for~~

(4) *For* itself and landowners who agree to permit the department to use their land as cooperative hunting, fishing, conservation or recreational areas, against any liability resulting from the operation of ~~such~~ *those* hunting, fishing, conservation or recreational areas.

~~(e) Procure insurance for~~

(5) *For* itself against any liability resulting from departmental activities or operations.

~~(f) Procure insurance for~~

(6) *For* its employees or other persons authorized by the department to conduct hunter ~~safety~~ *safety education* training courses against any public liability or property damage resulting from ~~such~~ *that* training.

1 ~~(g) Procure insurance for~~

2 (7) For its employees against injury or death in the course of
3 the performance of their duties arising from diving, which includes
4 SCUBA or deep sea diving.

5 The

6 (b) The cost of ~~such~~ insurance *procured pursuant to subdivision*
7 (a) shall be a proper charge against and shall be paid out of the
8 Fish and Game Preservation Fund.

9 SEC. 13. Section 1050.1 of the Fish and Game Code is
10 amended to read:

11 1050.1. Any license, permit, tag, stamp, or other entitlement
12 authorized pursuant to this code is not valid until *it is filled out*
13 *completely and accurately* and the fee authorized or identified in
14 statute or regulation for that entitlement is received and paid to
15 the department or its agent. *It is the responsibility of the user to*
16 *ensure that the license, permit, tag, stamp, or other entitlement is*
17 *filled out completely and accurately.*

18 SEC. 14. Section 1052 of the Fish and Game Code is amended
19 to read:

20 1052. It is unlawful for any person to do any of the following:

21 (a) Transfer any license, ~~license~~ tag, ~~license~~ stamp, permit,
22 application, or reservation.

23 (b) Use or possess any license, ~~license~~ tag, ~~license~~ stamp, permit,
24 application, or reservation that was not lawfully issued to the user
25 *or possessor* thereof or that was obtained by fraud, deceit, or the
26 use of a fake or counterfeit application form.

27 (c) Use or possess any fake or counterfeit license, ~~license~~ tag,
28 ~~license~~ stamp, permit, permit application form, band, or seal, made
29 or used for the purpose of evading any of the provisions of this
30 code, or regulations adopted pursuant thereto.

31 (d) Predate ~~or~~, fail to date, *or alter any date of* any license,
32 ~~license~~ tag, or permit.

33 (e) Postdate the date of application or the date of issuance of
34 the license, ~~license~~ tag, or permit. This subdivision does not apply
35 to the date that a license, ~~license~~ tag, or permit is valid.

36 (f) Alter, mutilate, deface, duplicate, or counterfeit any license,
37 ~~license~~ tag, permit, permit application form, band, or seal, or entries
38 thereon, to evade the provisions of this code, or any regulations
39 adopted pursuant thereto.

1 SEC. 15. Section 1052.5 of the Fish and Game Code is
2 amended to read:

3 1052.5. Any ~~license~~ stamp issued pursuant to this article is not
4 valid unless affixed to the appropriate license document.

5 SEC. 16. Section 1053.5 of the Fish and Game Code is
6 amended to read:

7 1053.5. Applicants for hunting licenses pursuant to subdivision
8 (a) of Section 1053 shall first satisfactorily complete a hunter-safety
9 *education* equivalency examination and obtain a certificate of
10 equivalency as provided by regulations adopted by the commission,
11 or show proof of completion of a hunter-safety *education* training
12 course, or show a previous year's hunting license.

13 SEC. 17. Section 1054 of the Fish and Game Code is amended
14 to read:

15 1054. ~~It is unlawful to make any false statement as to any fact~~
16 ~~required as a prerequisite to the issuance of a license or license~~
17 ~~tag, and any license or license tag obtained in violation of this~~
18 ~~section is void.~~ (a) *It is unlawful to submit, or conspire to submit,*
19 *any false, inaccurate, or otherwise misleading information on any*
20 *application or other document offered or otherwise presented to*
21 *the department for any purpose, including, but not limited to,*
22 *obtaining a license, tag, permit, or other privilege or entitlement*
23 *pursuant to this code or regulations adopted thereto.*

24 ~~Any license agent~~

25 (b) ~~The department may require the applicant for a license or~~
26 ~~license, tag, permit, or other privilege or entitlement to show proof~~
27 ~~of the statements or facts required for the issuance of any license~~
28 ~~or license, tag, permit, or other privilege or entitlement.~~

29 (c) *For purposes of this section, "department" includes any*
30 *department employee, license agent, or any person performing the*
31 *duties of a department employee or license agent.*

32 SEC. 18. Section 1054.2 of the Fish and Game Code is
33 amended to read:

34 1054.2. Every person while engaged in taking any bird,
35 mammal, fish, amphibian, or reptile shall have on his or her person
36 or in his or her immediate possession, or where otherwise
37 specifically required by law to be kept, any license, ~~license~~ tag,
38 ~~license~~ stamp, or permit that is required in order to take the bird,
39 mammal, fish, amphibian, or reptile. In the case of a person diving
40 from a boat, the license or permit may be kept on the boat, or in

1 the case of a person diving from shore, the license or permit may
2 be kept within 500 yards on the shore.

3 SEC. 19. Section 1054.8 of the Fish and Game Code is
4 amended to read:

5 1054.8. (a) The department shall establish, and keep current,
6 written policies and procedures relating to the application process
7 and the award of hunting ~~license~~ tags for fundraising purposes, as
8 authorized pursuant to subdivision (c) of Section 331, subdivision
9 (d) of Section 332, Section 4334, or subdivision (d) of Section
10 4902.

11 (b) The policies and procedures shall include, but need not be
12 limited to, all of the following:

13 (1) The application process and criteria.

14 (2) A standard application format.

15 (3) An appeal process.

16 (4) A requirement that all applications shall remain sealed until
17 on or after a filing date specified by the department.

18 (c) The department shall make the policies and procedures
19 available to interested parties 30 days ~~prior to~~ *before* their
20 implementation and shall receive and consider any related
21 recommendations.

22 (d) The department shall not require a minimum tag sale price,
23 except as otherwise provided in this code.

24 (e) It is the intent of the Legislature that the department develop
25 policies and procedures that seek to maximize both the revenues
26 received by the department and participation by qualified nonprofit
27 organizations making application to sell the tags as sellers of the
28 tags.

29 SEC. 20. Section 1124 of the Fish and Game Code is amended
30 to read:

31 1124. It is unlawful to take any fish in any pond ~~or~~, reservoir,
32 *or other water-retaining structure* belonging to or controlled by
33 the department and used for propagating, *raising, holding,*
34 protecting, or conserving fish.

35 SEC. 21. Section 2001 of the Fish and Game Code is amended
36 to read:

37 2001. (a) *It is unlawful to take mammals, birds, fish, reptiles,*
38 *and amphibians outside of established seasons or to exceed any*
39 *bag limit or possession limit established in this code or by*
40 *regulations adopted by the commission. Violation of any*

1 *established season, bag limit, or possession limit may be charged*
2 *as a violation of this section or of the specific code section or*
3 *regulation that establishes the season or limit.*

4 ~~(a)~~

5 (b) Unless otherwise provided, it is unlawful to possess fish,
6 reptiles, or ~~amphibia~~ *amphibians* except during the open season
7 where taken and for 10 days thereafter; and not more than the
8 possession limit thereof may be possessed during the period after
9 the close of the open season.

10 ~~(b)~~

11 (c) Except as provided in Section 3080, it is unlawful to possess
12 game birds or mammals except during the open season where
13 taken.

14 SEC. 22. Section 2005 of the Fish and Game Code is amended
15 to read:

16 2005. ~~It~~ *(a) Except as otherwise authorized by this section, it*
17 *is unlawful to use an artificial light to assist in the taking of game*
18 *birds, game mammals, or game fish, except that this section shall*
19 *not apply to sport fishing in ocean waters or other waters where*
20 *night fishing is permitted if the lights are not used on or as part of*
21 *the fishing tackle, commercial fishing, nor to the taking of*
22 *mammals, the taking of which is governed by Article 2*
23 *(commencing with Section 4180) of Chapter 3, 3 of Part 3, 3 of*
24 *Division 4.*

25 ~~It~~

26 (b) *It is unlawful for any person, or one or more persons, to*
27 *throw or cast the rays of any spotlight, headlight, or other artificial*
28 *light on any highway or in any field, woodland, or forest where*
29 *game mammals, fur-bearing mammals, or nongame mammals are*
30 *commonly found, or upon any game mammal, fur-bearing*
31 *mammal, or nongame mammal, while having in his or her*
32 *possession or under his or her control any firearm or weapon with*
33 *which ~~such~~ that mammal could be killed, even though the mammal*
34 *is not killed, injured, shot at, or otherwise pursued.*

35 ~~It~~

36 (c) *It is unlawful to use or possess at any time any infrared or*
37 *similar light used in connection with an electronic viewing device*
38 *~~sometimes designated as a sniper scope or any night vision~~*
39 *equipment, optical devices, including, but not limited to, binoculars*
40 *or scopes, that use light amplifying circuits that are electrical or*

1 *battery powered*, to assist in the taking of birds, mammals,
2 ~~amphibia~~ *amphibians*, or fish.

3 ~~The~~

4 (d) ~~The~~ provisions of this section ~~shall~~ *do not* apply to *any of*
5 the following:

6 ~~(a) To the~~

7 (1) ~~The~~ use of a hand held flashlight no larger, nor emitting
8 more light, than a two-cell, three-volt flashlight, provided ~~such~~
9 *that* light is not affixed in any way to a weapon, or to the use of a
10 lamp or lantern ~~which~~ *that* does not cast a directional beam of
11 light.

12 ~~(b) In the case of headlights~~

13 (2) *Headlights* of a motor vehicle operated in a usual manner
14 ~~and~~ *where* there is no attempt or intent to locate a game mammal,
15 fur-bearing mammal, or nongame mammal.

16 ~~(c)~~

17 (3) To the owner, or his *or her* employee, of land devoted to
18 the agricultural industry while on ~~such~~ *that* land, or land controlled
19 by such an owner and in connection with ~~such~~ *the* agricultural
20 industry.

21 ~~(d)~~

22 (4) ~~To such~~ *those* other uses as the commission may authorize
23 by regulation.

24 ~~No~~

25 (e) A person shall *not* be arrested for violation of this section
26 except by a peace officer.

27 SEC. 23. Section 2006 of the Fish and Game Code is amended
28 to read:

29 2006. (a) It is unlawful to possess a loaded ~~rifle or shotgun~~
30 *firearm* in any vehicle or conveyance or its attachments ~~which~~ *that*
31 is standing on or along or is being driven on or along any public
32 highway or other way open to the public.

33 ~~A rifle or shotgun~~

34 (b) *For purposes of this section, a firearm* shall be deemed to
35 be loaded ~~for the purposes of this section when~~ *if* there is an
36 unexpended cartridge or shell ~~in the firing chamber, consisting of~~
37 *a case that holds a charge of powder and a bullet or shot in the*
38 *firing chamber of the firearm*, but not when the only cartridges or
39 shells are in the magazine, *except as follows:*

1 The provision of this section shall not apply to peace officers or
2 members of the armed forces of this State or the United States,
3 while on duty or going to or returning from duty.

4 (1) A revolver shall be deemed to be loaded if there is an
5 unexpended cartridge or shell in the cylinder chamber that is
6 aligned with the hammer or the cylinder chamber that will next
7 rotate into the firing position.

8 (2) A muzzle-loader firearm shall be deemed to be loaded if it
9 is capped or primed and has a powder charge and ball or shot in
10 the barrel or cylinder chamber that is aligned with the hammer
11 or the cylinder chamber that will next rotate into the firing position.

12 (c) For the purposes of this section, any public highway or other
13 way open to the public includes, but is not limited to, any type of
14 road, roadway, route highway, trail, path, field, or parking area
15 open to public access.

16 (d) This section does not apply to the possession of a loaded
17 firearm by any person listed in subdivisions (b), (c), or (d) of
18 Section 12031 of the Penal Code.

19 SEC. 24. Section 2011 of the Fish and Game Code is amended
20 to read:

21 2011. ~~Any~~ (a) It is unlawful for any person who takes,
22 mutilates or destroys to take, mutilate, or destroy any bird or
23 mammal; lawfully in the possession of another; shall be guilty of
24 a misdemeanor.

25 For

26 (b) For the purpose of this section, a bird or mammal shall be
27 deemed in possession (a) when it is actually reduced to physical
28 possession or (b) when it is wounded or otherwise maimed and
29 the person who wounded or otherwise maimed it is in hot pursuit.

30 SEC. 25. Section 2012 of the Fish and Game Code is amended
31 to read:

32 2012. All licenses, license tags, and the birds, mammals, fish,
33 reptiles, or ~~amphibia~~ *amphibians* taken or otherwise dealt with
34 under the provisions of this code, and any device or apparatus
35 designed to be, and capable of being, used to take birds, mammals,
36 fish, reptiles, or ~~amphibia~~ shall be exhibited upon demand to any
37 person authorized by the department to enforce the provisions of
38 this code or any law relating to the protection and conservation of
39 birds, mammals, fish, reptiles, or ~~amphibia~~ *amphibians*.

1 SEC. 26. Section 2016 of the Fish and Game Code is amended
2 to read:

3 2016. It is unlawful to enter any lands under cultivation or
4 enclosed by a fence, belonging to, or occupied by, another, or to
5 enter any uncultivated or unenclosed lands, including lands
6 temporarily inundated by waters flowing outside the established
7 banks of a river, stream, slough, or other waterway, where signs
8 forbidding trespass are displayed at intervals not less than three to
9 the mile along all exterior boundaries and at all roads and trails
10 entering ~~such~~ *those* lands, *having in possession any firearm, air*
11 *rifle, archery bow, crossbow, or fishing equipment, or for the*
12 *purpose of discharging any firearm, or releasing an arrow or*
13 *crossbow bolt, or taking or destroying any fish, mammal, or bird,*
14 *including any waterfowl, on* ~~such~~ *those* lands without having first
15 obtained written permission from the owner of ~~such~~ *those* lands,
16 or his *or her* agent, or the person in lawful possession thereof.
17 ~~Such~~ *Those* signs may be of any size and wording, other than the
18 wording required for signs under Section 2017, ~~which~~ *that* will
19 fairly advise persons about to enter the land that the use of ~~such~~
20 *the* land is so restricted.

21 SEC. 27. Section 2019 of the Fish and Game Code is amended
22 to read:

23 2019. (a) It is unlawful for any person, ~~including state, federal,~~
24 ~~county, and city officials or their agents,~~ to authorize, offer or pay
25 a bounty for any bird or mammal. This section does not apply to
26 any person with respect to the taking of any bird or mammal on
27 the private property of *such a* person.

28 (b) *The commission may adopt regulations that provide*
29 *exemptions to this section for governmental agencies and public*
30 *entities on property under their control.*

31 SEC. 28. Section 2106 of the Fish and Game Code is amended
32 to read:

33 2106. (a) The department may develop and implement a
34 recovery strategy pilot program for coho salmon.

35 (b) The department shall seek private and federal funding for
36 implementation of the coho salmon recovery strategy pilot
37 program. ~~No additional state funds may be expended for the~~
38 ~~implementation of the program until the Legislature specifically~~
39 ~~appropriates funds for that purpose.~~

1 SEC. 29. Section 2115 of the Fish and Game Code is amended
2 to read:

3 2115. The two hundred thousand dollars (\$200,000)
4 appropriated in the Budget Act of 1997 for the purposes of this
5 article shall be used for the Greater Sandhill crane. Any money
6 that is not used to develop a recovery plan for that species may be
7 used by the department to implement the recovery plan for that
8 species. ~~Section 2106 shall become operative only upon the~~
9 ~~appropriation of funds by the Legislature for its purposes.~~ Section
10 2098 does not apply to any costs relating to this article.

11 SEC. 30. Section 2120 of the Fish and Game Code is amended
12 to read:

13 2120. (a) The commission, in cooperation with the Department
14 of Food and Agriculture, shall adopt regulations governing both
15 (1) the entry, importation, possession, transportation, keeping,
16 confinement, or release of any and all wild animals that will be or
17 that have been imported into this state pursuant to this chapter,
18 and (2) the possession of all other wild animals. The regulations
19 shall be designed to prevent damage to the native wildlife or
20 agricultural interests of this state resulting from the existence at
21 large of these wild animals, and to provide for the welfare of wild
22 animals *and the safety of the public*.

23 (b) The regulations shall also include criteria for all of the
24 following:

25 (1) The receiving, processing, and issuing of a permit and
26 conducting inspections.

27 (2) Contracting out inspection activities.

28 (3) Responding to public reports and complaints.

29 (4) The notification of the revocation, termination, or denial of
30 permits, and related appeals.

31 (5) The method by which the department determines that the
32 breeding of wild animals pursuant to a single event breeding permit
33 for exhibitor or a breeding permit is necessary and will not result
34 in unneeded or uncared for animals, and the means by which the
35 criteria will be implemented and enforced.

36 (6) How a responding agency will respond to an escape of a
37 wild animal. This shall include, but not be limited to, the
38 establishment of guidelines for the safe recapture of the wild animal
39 and procedures outlining when lethal force would be used to
40 recapture the wild animal.

1 (c) These regulations shall be developed and adopted by the
2 commission on or before January 1, 2007.

3 SEC. 31. Section 2121 of the Fish and Game Code is amended
4 to read:

5 2121. No person having possession or control over any wild
6 animal ~~legally imported under the provisions of this chapter~~ shall
7 intentionally free, or knowingly permit the escape, or release of
8 such ~~animals~~ *an animal*, except in accordance with the regulations
9 of the commission.

10 SEC. 32. Section 2127 of the Fish and Game Code is amended
11 to read:

12 2127. (a) The department may reimburse eligible local entities,
13 pursuant to a memorandum of understanding entered into pursuant
14 to this section, for costs incurred by the eligible local entities in
15 the administration and enforcement of any provision concerning
16 the possession of, handling of, care for, or holding facilities
17 provided for, a wild animal designated pursuant to Section 2118.

18 (b) The department may enter into memoranda of understanding
19 with eligible local entities for the administration and enforcement
20 of any provision concerning the possession of, handling of, care
21 for, or holding facilities provided for, a wild animal designated
22 pursuant to Section 2118, ~~or a cat specified in Section 3005.9.~~

23 (c) ~~The Fish and Game Commission~~ *commission* shall adopt
24 regulations that establish specific criteria an eligible local entity
25 shall meet in order to qualify as an eligible local entity.

26 (d) For the purposes of this division, “eligible local entity”
27 means a county, local animal control officer, local humane society
28 official, educational institution, or trained private individual that
29 enters into a memorandum of understanding with the department
30 pursuant to this section.

31 SEC. 33. Section 2150.3 of the Fish and Game Code is
32 amended to read:

33 2150.3. (a) The director shall appoint a committee to advise
34 the director on the humane care and treatment of wild animals.

35 (b) The committee shall make recommendations to the director
36 for the establishment of standards of performance for
37 administration and enforcement, which shall include, but are not
38 limited to, requiring that the eligible local entity possess a
39 knowledge of humane wild animal training methods.

(c) The committee shall make recommendations to the director as to the frequency of inspections necessary for the enforcement and administration of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118, ~~or a cat specified in Section 3005.9.~~

(d) The committee shall advise and assist the director in entering into memorandums of understanding with eligible local entities and in determining whether the memorandums of understanding meet the requirements of this chapter.

SEC. 34. Section 2150.4 of the Fish and Game Code is amended to read:

2150.4. (a) ~~Consistent with Section 3005.91, the~~ *The* department or an eligible local entity shall inspect the wild animal facilities, as determined by the director's advisory committee, of each person holding a permit issued pursuant to Section 2150 authorizing the possession of a wild animal.

(b) In addition to the inspections specified in subdivision (a), the department or an eligible local entity, pursuant to the regulations of the commission, may inspect the facilities and care provided for the wild animal of any person holding a permit issued pursuant to Section 2150 for the purpose of determining whether the animal is being cared for in accordance with all applicable statutes and regulations. The department shall collect an inspection fee, in an amount determined by the department pursuant to Section 2150.2.

(c) No later than January 1, 2007, the department, in cooperation with the committee created pursuant to Section 2150.3, shall develop, implement, and enter into memorandums of understanding with eligible local entities if the department elects not to inspect every wild animal facility pursuant to subdivisions (a) and (b). Eligible local entities shall meet the criteria established in regulations adopted pursuant to subdivision (b) of Section 2157.

SEC. 35. Section 2150.5 of the Fish and Game Code, as added by Section 8 of Chapter 789 of the Statutes of 1990, is repealed.

~~2150.5. (a) The department shall, on or before May 1, 1991, establish, and thereafter keep current, written policies and procedures to implement the animal housing, possession, importation, and transportation requirements pursuant to this~~

chapter. ~~The department shall provide copies of the policies and procedures to interested parties upon request.~~

(b) ~~The policies and procedures shall include, but not be limited to, criteria for all of the following:~~

(1) ~~Receiving, processing, and issuing a permit or permit application, and conducting inspection activities.~~

(2) ~~Contracting out inspection activities.~~

(3) ~~Responding to public reports and complaints.~~

(4) ~~Notification of the revocation, termination, or denial of permits, and related appeals.~~

(e) ~~The department shall make proposed policies and procedures available to interested parties before their implementation. The department may receive and incorporate comments and recommendations on the policies and procedures from interested parties.~~

SEC. 36. Section 2186 of the Fish and Game Code is amended to read:

2186. (a) If during inspection upon arrival any wild animal is found to be diseased, or there is reason to suspect the presence of disease, or there is reason to suspect the presence of disease ~~which~~ *that* is or may be detrimental to agriculture, to native wildlife, or to the public health or safety, the diseased animal, and if necessary, the entire shipment shall be destroyed by, or under the supervision of the enforcing officer, unless no detriment can be caused by its detention in quarantine for a time and under conditions satisfactory to the enforcing officer for disinfection, treatment, or diagnosis, or no detriment can be caused by its return to its point of origin at the option and expense of the owner or ~~bailee~~ *possessor*.

(b) Notwithstanding Section 2117, for the purposes of this section, “enforcing officer” means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

SEC. 37. Section 2187 of the Fish and Game Code is amended to read:

2187. (a) Whenever any wild animal is brought into this state under permit, as provided in this chapter, the enforcing officers ~~shall~~, from time to time, examine the conditions under which ~~such~~ *that* species is kept, and report to the department any suspicion or knowledge of any disease or violations of the conditions of the permit or of the regulations promulgated under ~~the provisions of~~

1 this chapter. The enforcing officer may order the transfer of the
2 animal to new owners or the correction of the conditions under
3 which the species is being kept if not in conformance with the
4 terms of the permit, at the expense of the owner or ~~bailee~~ *possessor*.
5 If neither transfer or improvement of conditions is accomplished,
6 the officer may order destruction of the animal.

7 (b) Notwithstanding Section 2117, for the purposes of this
8 section, “enforcing officer” means the enforcement personnel of
9 the department, the state plant quarantine officers, and county
10 agricultural commissioners.

11 SEC. 38. Section 2189 of the Fish and Game Code is amended
12 to read:

13 2189. (a) *As used in this section “nonnative wild animal”*
14 *means any nonnative animal species, or hybrid thereof, that is not*
15 *normally domesticated pursuant to this code or regulations adopted*
16 *pursuant thereto and that is not designated as a furbearing, game,*
17 *nongame, threatened, or endangered animal.*

18 (b) No person shall import into this state any live nonnative
19 wild animal except pursuant to this chapter or regulations adopted
20 pursuant thereto.

21 ~~(b)~~
22 (c) Any live nonnative wild animal ~~which~~ *that* is possessed or
23 transported within this state in violation of this chapter or
24 regulations adopted pursuant thereto shall, ~~upon notice of and~~
25 ~~within the time specified by the enforcing officer,~~ be disposed of
26 in accordance with regulations adopted pursuant to Section 2122,
27 at the ~~option and~~ expense of the owner or ~~bailee~~ *possessor*. *The*
28 *owner or possessor shall pay the costs associated with the seizure,*
29 *care, holding, transfer, and destruction of the animal.*

30 ~~(e)~~
31 (d) Any live, nonnative wild animal found at large within this
32 state shall be either summarily destroyed or, ~~if captured, shall be~~
33 ~~confined for not less than 72 hours following notification of the~~
34 ~~local humane society. Any local, state, or federal governmental~~
35 ~~agency that has public safety responsibilities is authorized to~~
36 ~~implement this subdivision.~~

37 ~~(d) If during the 72-hour holding period, any person claims~~
38 ~~ownership of the animal, that person shall be allowed to dispose~~
39 ~~of the animal pursuant to subdivision (b) and this shall be the~~
40 ~~person’s only option.~~

1 (e) ~~After the 72-hour holding period, if~~ If the animal is
2 ~~unclaimed captured~~, it shall be disposed of in accordance with
3 regulations adopted pursuant to Section 2122 unless the animal is
4 listed as a threatened or endangered species by either state or
5 federal regulation. ~~If Notwithstanding subdivision (c), if~~ the animal
6 is listed as a threatened or endangered species in either regulation,
7 the department shall be notified of the animal's location and the
8 department shall be responsible for proper disposition.

9 SEC. 39. Section 2192 of the Fish and Game Code is amended
10 to read:

11 2192. Notwithstanding Part 2.5 (commencing with Section
12 18900) of Division 13 of the Health and Safety Code, Section
13 11356 of the Government Code, or any other provision of law,
14 regulations of the commission relating to the construction, fixtures,
15 and other minimum caging standards adopted by the commission
16 for the confinement of live wild animals pursuant to this chapter
17 ~~or live cats pursuant to Section 3005.9~~ are not building standards
18 subject to the approval of the State Building Standards
19 Commission.

20 SEC. 40. Section 2345 of the Fish and Game Code is amended
21 to read:

22 2345. This article applies to all dead wild birds, mammals,
23 fish, ~~reptiles~~, and ~~amphibia~~ *amphibians*. This article also applies
24 to live mollusks and crustaceans ~~which~~ *that* are transported for
25 purposes other than placement in the waters of this state. This
26 article does not apply to animals imported for purposes of
27 aquaculture under Division 12 (commencing with Section 15000).

28 SEC. 41. Section 2346 of the Fish and Game Code is amended
29 to read:

30 2346. It is unlawful for a common carrier or his agent to
31 transport for, or to receive for transportation from, any one person,
32 during any interval of time, more than the bag limit of birds,
33 mammals, fish, ~~reptiles~~, or ~~amphibia~~ *which amphibians* ~~that~~ may
34 legally be taken and possessed by ~~such~~ *that* person during that
35 interval.

36 SEC. 42. Section 2347 of the Fish and Game Code is amended
37 to read:

38 2347. It is unlawful for any person to offer for transportation
39 by common carrier during any interval of time more than the bag
40 limit of birds, mammals, fish, ~~reptiles~~, or ~~amphibia~~ *which*

1 *amphibians* that may legally be taken and possessed by ~~such~~ that
2 person during that interval.

3 SEC. 43. Section 2348 of the Fish and Game Code is amended
4 to read:

5 2348. (a) Any package in which birds, mammals, fish, *reptiles*,
6 or ~~amphibia~~ *amphibians*, or parts thereof are offered for
7 transportation to, or are transported or received for transportation
8 by, a common carrier or his agent shall bear the name and address
9 of the shipper and of the consignee and an accurate description of
10 the numbers and kinds of birds, mammals, fish, or ~~amphibia~~
11 *amphibians* contained therein clearly and conspicuously marked
12 on the outside thereof.

13 ~~Licensed~~

14 (b) *Licensed* commercial fishermen and licensed commercial
15 fish dealers are subject to all of the provisions of this section,
16 except that commercial shipments of fish may be indicated by total
17 net weight of each species instead of by numbers.

18 SEC. 44. Section 2349 of the Fish and Game Code is amended
19 to read:

20 2349. No bird, mammal, fish, *reptile*, or amphibian, except
21 smoked, cured, or dried fish other than trout, may be shipped by
22 parcel post.

23 SEC. 45. Section 2353 of the Fish and Game Code is amended
24 to read:

25 2353. (a) ~~Notwithstanding any other provision of law, birds~~
26 *Birds*, mammals, fish, reptiles, or ~~amphibia~~ *may amphibians* shall
27 ~~not be brought into imported or possessed in this state and~~
28 ~~possessed if unless all of the following requirements are met:~~

29 (1) *The animals were* legally taken and legally possessed outside
30 of this state ~~and a~~.

31 (2) *This code and regulations adopted pursuant thereto do not*
32 *expressly prohibit their possession in this state.*

33 (3) A declaration is submitted to the department or a designated
34 state or federal agency at or immediately ~~prior to~~ *before* the time
35 of entry, in the form and manner prescribed by the department.

36 (b) Birds, mammals, fish, reptiles, or ~~amphibia~~ *amphibians*
37 legally taken and legally possessed outside of this state may be
38 imported into this state and possessed without a declaration if the
39 shipment is handled by a common carrier under a bill of lading or

1 as supplies carried into this state by common carriers for use as
2 food for the passengers.

3 (c) The commission and the department shall not modify ~~the~~
4 ~~provisions of this section by any regulation which~~ *that* would
5 prohibit the importation of lawfully killed migratory game birds
6 taken in any other state or country and transported into this state
7 pursuant to the migratory bird regulations adopted annually by the
8 Secretary of the Interior.

9 SEC. 46. Section 2362 of the Fish and Game Code is amended
10 to read:

11 2362. Yellowtail, barracuda, and white seabass taken in waters
12 lying south of the ~~international maritime~~ boundary line between
13 the United States and Mexico, ~~extended westerly in the Pacific~~
14 ~~Ocean with that maritime boundary line including, but not limited~~
15 ~~to, the federal Exclusive Economic Zone boundary,~~ may be
16 delivered to California ports aboard boats, including boats carrying
17 purse seine or round haul nets in accordance with ~~such~~ *those*
18 regulations as the commission may make governing the inspection
19 and marking of ~~such~~ *those* fish imported into this ~~State~~ *state*. The
20 cost of ~~such~~ *that* inspection and marking shall be paid by the
21 importer. *Fish taken in Mexico shall not be imported unless legally*
22 *taken and legally possessed and a declaration is submitted to the*
23 *department pursuant to Section 2353.*

24 SEC. 47. Section 2535 of the Fish and Game Code is amended
25 to read:

26 2535. As used in this chapter, “guide” means any person who
27 is engaged in the business of packing or guiding, or who, for
28 ~~compensation a fee,~~ assists another person in taking or attempting
29 to take any bird, mammal, fish, amphibian, or reptile ~~or who, for~~
30 ~~compensation, assists another person in locating any bird, mammal,~~
31 ~~fish, amphibian, or reptile to photograph or view.~~ “Guide” also
32 includes any person who, for profit, transports other persons, their
33 equipment, or both to or from a hunting or fishing area.

34 SEC. 48. Section 3001 of the Fish and Game Code is amended
35 to read:

36 3001. It is unlawful to take birds or mammals with firearms,
37 *air rifles, crossbows,* or with bow and arrow when intoxicated.

38 SEC. 49. Section 3003.5 of the Fish and Game Code is
39 amended to read:

1 3003.5. It is unlawful to pursue, drive, or herd any bird or
2 mammal with any motorized water, land, or air vehicle, including,
3 but not limited to, a motor vehicle, airplane, powerboat, or
4 snowmobile, except in any of the following circumstances:

5 (a) On private property by the landowner or tenant thereof to
6 ~~drive or herd game~~ *haze birds or* mammals for the purpose of
7 preventing damage by ~~such mammals that wildlife~~ to private
8 property.

9 (b) Pursuant to a permit from the department issued under ~~such~~
10 regulations as the commission may prescribe.

11 (c) In the pursuit of agriculture.

12 SEC. 50. Section 3004 of the Fish and Game Code is amended
13 to read:

14 3004. (a) It is unlawful for any person, other than the owner,
15 person in possession of the premises, or a person having the express
16 permission of the owner or person in possession of the premises,
17 to hunt or to discharge while hunting, any firearm or other deadly
18 weapon within 150 yards of any occupied dwelling house,
19 residence, or other building or any barn or other outbuilding used
20 in connection therewith. The 150-yard area is a “safety zone.”

21 (b) *It is unlawful for any person to intentionally discharge any*
22 *firearm or release any arrow or crossbow bolt over or across any*
23 *public road or way open to the public, in an unsafe manner.*

24 SEC. 51. Section 3005.9 of the Fish and Game Code is
25 repealed.

26 ~~3005.9.—(a) It is unlawful to possess or confine any live cat~~
27 ~~(family Felidae), except house cats (Felis domesticus), except as~~
28 ~~provided in this division and in Section 3202. Any cat possessed~~
29 ~~or confined in violation of this section may be seized by the~~
30 ~~department for disposal as directed by the commission.~~

31 ~~The commission shall adopt regulations permitting the temporary~~
32 ~~confinement of cats, other than house cats, for the purpose of~~
33 ~~required veterinary treatment or care, or for utilization in television~~
34 ~~or motion picture productions.~~

35 ~~The following institutions, as defined, are exempt from this~~
36 ~~section:~~

37 ~~(1) Any zoo, as defined in Section 2150.~~

38 ~~(2) Any university, college, governmental research agency, or~~
39 ~~other bona fide scientific institution, as determined by the~~
40 ~~department, engaging in scientific or public health research.~~

~~(b) The following organizations or individuals, as defined by the commission, in compliance with permits and standards, as specified by the commission, that safeguard the health and well-being of cats are exempt from the provisions of subdivision (a):~~

~~(1) Cireuses.~~

~~(2) Other professional exhibitors qualified by the department and licensed by the United States Department of Agriculture.~~

~~(3) Dealers and breeders qualified by the department and licensed by the United States Department of Agriculture.~~

~~(4) Wildlife rehabilitation centers, as qualified by the department.~~

~~(e) Subdivision (a) of this section shall not prohibit the possession or confinement of any cat by a person who had lawful possession of the cat on January 1, 1979, pursuant to a permit issued by the department under Section 2150 or Section 3200. The annual fee for the permit shall be set by the department in an amount calculated to cover the costs of administration. Progeny determined to have been conceived before January 1, 1979, are exempt from subdivision (a) of Section 3005.9 but are subject to department regulations regarding their possession or confinement.~~

~~(d) Cats possessed pursuant to subdivisions (b) and (e) of this section may be sold, transferred, or disposed of to the institutions or individuals defined as exempt under this section, when the sale, transfer or disposal is pursuant to a department permit. The permit shall specify the terms and conditions of sale, transfer, or disposal. These cats shall not be sold, transferred, or disposed of to private individuals.~~

~~The commission shall adopt regulations regarding the possession or confinement of progeny determined to have been conceived after January 1, 1979. These cats may be sold, transferred, or disposed of to the institutions defined as exempt under this section, when the sale, transfer, or disposal is pursuant to a department permit. The permit shall specify the terms and conditions of sale, transfer, or disposal. These cats shall not be sold, transferred, or disposed of to private individuals.~~

~~This section does not apply to the lawful taking of mammals found to be injuring crops or property, or to the taking of mammals under depredation permits, or to the lawful taking of these mammals as authorized by the commission.~~

1 SEC. 52. Section 3005.91 of the Fish and Game Code is
2 repealed.

3 ~~3005.91.— The department or an eligible local entity, pursuant~~
4 ~~to regulations of the commission, shall inspect the cat facilities of~~
5 ~~each person holding a permit issued pursuant to regulations of the~~
6 ~~commission authorizing the possession of a cat, other than a house~~
7 ~~cat. These inspections shall be to ensure that the animal is being~~
8 ~~held in conformity with law. The department or an eligible local~~
9 ~~entity shall collect an inspection fee in an amount determined by~~
10 ~~the department pursuant to Section 2150.2. The fee shall be paid~~
11 ~~over to the department.~~

12 SEC. 53. Section 3005.92 of the Fish and Game Code is
13 repealed.

14 ~~3005.92.— (a) The commission shall promulgate regulations~~
15 ~~regarding the possession and confinement of privately owned cats~~
16 ~~(family felidae) other than house cats. Such regulations shall~~
17 ~~include the following requirements:~~

18 ~~(i) Specific cage or enclosure standards for each cat species.~~
19 ~~Such requirements shall be met by any person applying for a permit~~
20 ~~or renewal of a permit prior to such issuance or renewal.~~

21 ~~(ii) That every cat be inspected by a licensed veterinarian every~~
22 ~~year, who shall thereafter issue a health certificate. The certificate~~
23 ~~shall be attached to the cage or enclosure of the examined cat.~~

24 ~~(b) When it is shown that the holder of a permit issued pursuant~~
25 ~~to Section 2150, or a license issued pursuant to subdivision (c) of~~
26 ~~Section 3202, authorizing the possession or confinement of a cat,~~
27 ~~has been convicted of a violation of Section 3005.92, such permit~~
28 ~~or license may be revoked.~~

29 SEC. 54. Section 3005.93 of the Fish and Game Code is
30 repealed.

31 ~~3005.93.— The department shall make available upon request~~
32 ~~information on the possession of a cat, other than a house cat, and~~
33 ~~information on regulations and standards applicable to permit~~
34 ~~holders.~~

35 SEC. 55. Section 3005.94 of the Fish and Game Code is
36 repealed.

37 ~~3005.94.— The director may appoint a committee to advise him~~
38 ~~on the care of cats, other than house cats.~~

39 SEC. 56. Section 3007 of the Fish and Game Code is amended
40 to read:

1 3007. ~~Every~~ Except as provided in this code or regulations
2 adopted pursuant thereto, every person who takes any bird or
3 mammal shall procure a license or ~~permit~~ entitlement therefor.

4 SEC. 57. Section 3031.2 of the Fish and Game Code is
5 amended to read:

6 3031.2. (a) In addition to Sections 714 and 3031 and
7 notwithstanding Section 3037, the department shall issue lifetime
8 hunting licenses under this section. A lifetime hunting license
9 authorizes the taking of birds and mammals anywhere in this state
10 in accordance with the law for purposes other than profit for the
11 life of the person to whom issued unless revoked for a violation
12 of this code or regulations adopted under this code. A lifetime
13 hunting license is not transferable. A lifetime hunting license does
14 not include any special-license tags, ~~license~~ stamps, or fees.

15 (b) A lifetime hunting license may be issued to residents of this
16 state, as follows:

17 (1) To a person 62 years of age or over, upon payment of a base
18 fee of three hundred sixty-five dollars (\$365).

19 (2) To a person 40 years of age or over, and less than 62 years
20 of age, upon payment of a base fee of five hundred forty dollars
21 (\$540).

22 (3) To a person 10 years of age or over, and less than 40 years
23 of age, upon payment of a base fee of six hundred dollars (\$600).

24 (4) To a person less than 10 years of age, upon payment of a
25 base fee of three hundred sixty-five dollars (\$365).

26 (c) Nothing in this section requires a person less than 16 years
27 of age to obtain a license to take birds or mammals except as
28 required by law.

29 (d) Nothing in this section exempts an applicant for a license
30 from meeting other qualifications or requirements otherwise
31 established by law for the privilege of sport hunting.

32 (e) The base fees specified in this section are applicable
33 commencing January 1, 2004, and shall be adjusted annually
34 thereafter pursuant to Section 713.

35 SEC. 58. Section 3050 of the Fish and Game Code is amended
36 to read:

37 3050. (a) No hunting license may be issued to any person
38 unless he or she presents to the person authorized to issue that
39 license any of the following:

(1) Evidence that he or she has held a hunting license issued by this state in a prior year.

(2) Evidence that he or she holds a current hunting license, or a hunting license issued in either of the two previous hunting years by another state or province.

~~(3) A certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship, as provided in this article, with a hunter safety instruction validation stamp affixed thereto.~~

(3) A certificate of completion of a course in hunter education, principles of conservation, and sportsmanship, as provided in this article. A hunter education instruction validation stamp shall be permanently affixed to certificates of completion that have been issued before January 1, 2008.

(4) A certificate of successful completion of a hunter-safety education course in another state or province.

(5) Evidence of completion of a course in hunter-safety education, principles of conservation, and sportsmanship, which the commission may, by regulation, require.

(b) The evidence required in subdivision (a) shall be forwarded to the department with the license agent's report of hunting license sales as required pursuant to Section 1055.5.

(c) Subdivision (a) does not apply to any person purchasing a hunting license under paragraph (5) of subdivision (a) of Section 3031. However, that license ~~may~~ *shall* not qualify as evidence required in subdivision (a) of this section.

SEC. 59. Section 3051 of the Fish and Game Code is amended to read:

3051. (a) The department shall provide for a course of instruction in hunter-safety education, principles of conservation, and sportsmanship, and for this purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.

~~The~~

(b) The department may designate as a hunter-safety education instructor any person found by it to be competent to give instruction in the courses required in this article. A person so appointed shall give that course of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of completion as provided

1 by the department in hunter safety, principles of conservation, and
2 sportsmanship.

3 The

4 (c) The department shall prescribe a minimum level of skill and
5 knowledge to be required of all hunter-safety *education* instructors,
6 and may limit the number of students per instructor in all required
7 classes.

8 The

9 (d) The department may revoke the certificate of any instructor
10 when, in the opinion of the department, it is in the best interest of
11 the state to do so.

12 SEC. 60. Section 3054 of the Fish and Game Code is amended
13 to read:

14 3054. The department shall furnish information on hunter
15 safety, principles of conservation, and sportsmanship ~~which that~~
16 shall be distributed free of charge to persons designated as hunter
17 *safety education* instructors for instructional purposes.

18 SEC. 61. Section 3055 of the Fish and Game Code is repealed.

19 ~~3055. (a) Any person who applies for a hunting license and~~
20 ~~qualifies for the license through the issuance of a certificate of~~
21 ~~completion of a course in hunter safety, principles of conservation,~~
22 ~~and sportsmanship as provided by this article, shall obtain a hunter~~
23 ~~safety instruction validation stamp. The hunter safety instruction~~
24 ~~validation stamp shall be issued by license agents for a base fee~~
25 ~~of two dollars (\$2), as adjusted under Section 713, in the same~~
26 ~~manner as resident hunting licenses. The validation stamp shall~~
27 ~~be affixed to the certificate of completion. A certificate of~~
28 ~~competence issued by this state prior to January 1, 1990, shall be~~
29 ~~accepted as equivalent to a certificate of completion issued by this~~
30 ~~state after January 1, 1990.~~

31 ~~(b) This section does not apply to licenses, permits, reservations,~~
32 ~~tags, or other entitlements issued through the Automated License~~
33 ~~Data System.~~

34 SEC. 62. Section 3055.1 of the Fish and Game Code is
35 repealed.

36 ~~3055.1. (a) Any person who applies for a hunting license and~~
37 ~~qualifies for the license through the issuance of a certificate of~~
38 ~~completion of a course in hunter safety, principles of conservation,~~
39 ~~and sportsmanship as provided by this article, shall obtain a hunter~~
40 ~~safety instruction validation. The hunter safety instruction~~

1 validation shall be issued by license agents for a base fee of two
2 dollars (\$2), as adjusted under Section 713, in the same manner
3 as resident hunting licenses. The validation shall be affixed to the
4 certificate of completion. A certificate of competence issued by
5 this state prior to January 1, 1990, shall be accepted as equivalent
6 to a certificate of completion issued by this state after January 1,
7 1990.

8 ~~(b) This section applies only to licenses, permits, reservations,~~
9 ~~tags, and other entitlements issued through the Automated License~~
10 ~~Data System.~~

11 SEC. 63. Section 3080 of the Fish and Game Code is amended
12 to read:

13 3080. (a) For the purposes of this section, “donor intermediary”
14 means a recipient who receives game birds or mammals from a
15 donor to give to a charitable organization or charitable entity. A
16 donor intermediary possessing game birds or mammals during a
17 period other than the open season shall have the documentation
18 described in paragraph (2) or (3) of subdivision (b). There is no
19 required format for the documentation. Any written documentation
20 containing the required information shall be deemed to comply
21 with this section.

22 (b) The possession limit of any game bird or mammal may be
23 possessed during a period other than the open season if one of the
24 following conditions apply:

25 (1) The person has in his or her possession a hunting license
26 and validated license tag or tags for the species possessed, or copies
27 thereof. The license and tag or tags shall have been issued to that
28 person for the current or immediate past license year.

29 (2) The person received the game bird or mammal from a person
30 described in paragraph (1), and the recipient has a photocopy of
31 the donor’s hunting license and the applicable validated license
32 tag or tags that has been signed and dated by the donor confirming
33 the donation. The photocopied license and tag or tags shall be from
34 the current or immediate past license year.

35 (3) The person received the game bird or mammal from a person
36 described in paragraph (1), and the recipient has a signed and dated
37 document confirming the donation that includes the donor’s name,
38 address, hunting license number, and applicable license tag
39 numbers for the species possessed. The license and tag or tags
40 shall be for the current or immediate past license year.

1 (c) The documentation required by subdivision (b) shall be made
2 available to the department as described in Section 2012. Charitable
3 organizations or charitable entities receiving and distributing game
4 birds or mammals for charitable or humane purposes, shall maintain
5 the documentation described in paragraph (2) or (3) of subdivision
6 (b) for one year from the date of disposal.

7 (d) Nothing in this section authorizes the possession of game
8 birds or carcasses or parts thereof contrary to regulations issued
9 pursuant to the federal Migratory Bird Treaty Act (16 U.S.C. Sec.
10 703 et seq.).

11 SEC. 64. Section 3087 of the Fish and Game Code is amended
12 to read:

13 3087. (a) (1) Every person who prepares, stuffs, or mounts
14 the skin of any fish, reptile, *amphibian*, bird, or mammal for
15 another person *for a fee* shall make and keep an accurate and
16 detailed record, as prescribed by regulations of the commission,
17 regarding all fish, reptile, *amphibian*, bird, or mammal carcasses,
18 skins, or parts thereof ~~which~~ *that* are acquired, possessed, or stored
19 for taxidermy purposes.

20 (2) The record required by this section shall be made at the time
21 the fish, reptile, *amphibian*, bird, or mammal carcasses, skins, or
22 parts thereof are received, and shall include the name and address
23 of each person from and to whom fish, reptile, *amphibian*, bird,
24 or mammal carcasses, skins, or parts thereof are received or
25 delivered and the number and species of all fish, reptile, *amphibian*,
26 bird, or mammal carcasses, skins, or parts thereof received or
27 delivered. The record shall be open for inspection at all times
28 pursuant to regulations adopted by the commission.

29 (b) (1) Where a taxidermist has prepared, stuffed, or mounted
30 the skin of any fish, reptile, *amphibian*, bird, or mammal for
31 another person and that person does not pay the cost thereof, or
32 take delivery thereof, the taxidermist may sell the skin only if the
33 commission adopts regulations permitting the sale.

34 ~~The~~
35 (2) *The* commission may adopt regulations permitting a sale
36 pursuant to Chapter 6 (commencing with Section 3046) of Title
37 14 of Part 4 of Division 3 of the Civil Code, and may adopt any
38 other regulations governing the sale including, but not limited to,
39 regulations ~~which~~ *that* require a taxidermist to record, and provide
40 to the department, the name and address of any person failing to

1 pay for work performed on a skin, ~~which~~ *that* list species of fish,
2 reptiles, amphibians, birds, or mammals whose prepared skins
3 shall not be sold, and ~~which~~ *that* limit the sales price of prepared
4 skins to the actual cost of preparation.

5 The

6 (3) The commission may adopt regulations permitting a sale of
7 a prepared skin pursuant to this subdivision only if the commission
8 also adopts regulations that require the posting of a notice or
9 otherwise giving notice at the place of business of the taxidermist
10 informing patrons of ~~the provisions of~~ this subdivision and
11 regulations adopted pursuant thereto.

12 SEC. 65. Section 3242 of the Fish and Game Code is amended
13 to read:

14 3242. ~~A~~ *Upon submission of a completed application on a form*
15 *approved by the commission, a commercial hunting club license*
16 *shall be issued to any person upon the payment of a base fee of*
17 *one hundred sixty-five dollars (\$165), as adjusted under Section*
18 *713.*

19 SEC. 66. Section 3304 of the Fish and Game Code is repealed.

20 3304. ~~The licensee shall raise or use a minimum of 500 birds~~
21 ~~during the annual license period.~~

22 SEC. 67. Section 3500 of the Fish and Game Code is amended
23 to read:

24 3500. Resident game birds are: Chinese spotted doves, ringed
25 turtledoves of the family Columbidae, California quail and varieties
26 thereof, Gambel or desert quail, mountain quail and varieties
27 thereof, sooty or blue grouse and varieties thereof, ruffed grouse,
28 sage hens and sage grouse, Hungarian partridges, red-legged
29 partridges including the chukar and other varieties, ring-necked
30 pheasants and varieties, and wild turkeys of the order Galliformes.

31 (a) Resident game birds are as follows:

32 Migratory game birds are: ducks and geese, coots and gallinules,
33 jacksnipe, western mourning doves, white-winged doves and
34 band-tailed pigeons.

35 (1) Doves of the genus *Streptopelia*, including, but not limited
36 to, spotted doves, ringed turtledoves, and Eurasian collared doves.

37 (2) California quail and varieties thereof.

38 (3) Gambel's or desert quail.

39 (4) Mountain quail and varieties thereof.

40 (5) Sooty or blue grouse and varieties thereof.

- (6) *Ruffed grouse.*
- (7) *Sage hens and sage grouse.*
- (8) *Hungarian partridges.*
- (9) *Red-legged partridges including the chukar and other varieties.*
- (10) *Ring-necked pheasants and varieties thereof.*
- (11) *Wild turkeys of the order Galliformes.*
- (b) *Migratory game birds are as follows:*
 - (1) *Ducks and geese.*
 - (2) *Coots and gallinules.*
 - (3) *Jacksnipe.*
 - (4) *Western mourning doves.*
 - (5) *White-winged doves.*
 - (6) *Band-tailed pigeons.*

References

(c) *References* in this code to “game birds” means both resident game birds and migratory game birds.

SEC. 68. Section 3680 of the Fish and Game Code is repealed.

~~3680. Any person, other than the owner thereof, who at any time, by any means or in any manner, takes any Antwerp or homing pigeon is guilty of a misdemeanor. However, during the open legal season on bandtailed pigeons, the taking of Antwerp or homing pigeons incidentally with the shooting or taking of wild bandtailed pigeons, is not a violation of this section.~~

SEC. 69. Section 3683 of the Fish and Game Code is amended to read:

~~3683. Upland game bird species include resident game birds, defined as Chinese spotted doves, ringed turtledoves of the family columbidae; California quail and varieties thereof, Gambel's or desert quail, mountain quail and varieties thereof, ruffed grouse, sage hens and sage grouse; white-tailed ptarmigan, Hungarian partridges, red-legged partridges including the chukar and other varieties, ringed-neck pheasants and varieties, and wild turkeys of the order galliformes; and migratory game birds including jacksnipe, western mourning doves, white-winged doves, and band-tailed pigeons. Upland game bird species include both of the following:~~

~~This section shall become operative on July 1, 1993.~~

(a) *All of the following resident game birds:*

- 1 (1) *Doves of the genus Streptopelia, including, but not limited*
2 *to, spotted doves, ringed turtledoves, and Eurasian collared doves.*
3 (2) *California quail and varieties thereof.*
4 (3) *Gambel's or desert quail.*
5 (4) *Mountain quail and varieties thereof.*
6 (5) *Sooty or blue grouse.*
7 (6) *Ruffed grouse.*
8 (7) *Sage hens or sage grouse.*
9 (8) *White-tailed ptarmigan.*
10 (9) *Hungarian partridges.*
11 (10) *Red-legged partridges including the chukar and other*
12 *varieties.*
13 (11) *Ring-necked pheasants and varieties thereof.*
14 (12) *Wild turkeys.*
15 (b) *All of the following migratory game birds:*
16 (1) *Jacksnipe.*
17 (2) *Western mourning doves.*
18 (3) *White-winged doves.*
19 (4) *Band-tailed pigeons.*
20 SEC. 70. Section 3801 of the Fish and Game Code is amended
21 to read:
22 3801. ~~Unless otherwise provided by the regulations of the~~
23 ~~commission the following nongame birds may be taken and~~
24 ~~possessed by any person at any time, except as provided in Section~~
25 ~~3000. Notwithstanding Section 3007 or any other provision of this~~
26 ~~code or regulations made pursuant thereto requiring the possession~~
27 ~~of a hunting license, a landowner or lessee or agent of either in~~
28 ~~immediate possession of written authority from the landowner or~~
29 ~~lessee, shall not be required to obtain a hunting license or a~~
30 ~~depredation permit to take the following nongame birds on land~~
31 ~~owned or leased by the landowner or lessee. Hunters otherwise~~
32 ~~taking the following nongame birds shall be licensed pursuant to~~
33 ~~Section 3007. The following nongame birds taken in compliance~~
34 ~~with this section may be taken and possessed by any person at any~~
35 ~~time, except as provided in Section 3000:~~
36 (a) *English sparrows (Passer domesticus).*
37 (b) *Starlings (Sturnus vulgaris).*
38 (c) *Rock dove, also known as domestic pigeons (Columba livia).*
39 SEC. 71. Section 3801.6 of the Fish and Game Code is
40 amended to read:

1 3801.6. (a) Except as otherwise provided in this code or
2 regulations made pursuant thereto, it is unlawful to possess the
3 carcass, skin, or parts of any nongame bird. The carcass, skin, or
4 parts of any nongame bird possessed by any person in violation
5 of any of the provisions of this code shall be seized by the
6 department and delivered to a scientific or educational institution,
7 *used by the department, or destroyed.*

8 (b) *It shall be an affirmative defense to a violation of this section*
9 *if the possessor of feathers or parts of a nongame bird is an*
10 *enrolled member of a federally recognized Indian tribe who has*
11 *valid tribal identification in his or her immediate possession. The*
12 *member shall have legally acquired the feathers or parts and those*
13 *feathers or parts shall be possessed for tribal cultural, ethnic, or*
14 *religious purposes. Nothing in this section allows those feathers*
15 *or parts to be initially obtained on nontribal lands or to be sold*
16 *or bartered. Native Americans meeting the affirmative defense*
17 *requirements may keep and openly display those feathers and parts*
18 *in accordance with cultural, ethnic, or religious practices of his*
19 *or her tribe.*

20 SEC. 72. Section 3803 of the Fish and Game Code is amended
21 to read:

22 3803. The department may take any ~~bird which~~ individual bird,
23 or birds of any species, that, in its opinion, ~~is~~ are unduly preying
24 upon any species of bird, mammal, ~~reptile, amphibian,~~ or fish.

25 SEC. 73. Section 4000 of the Fish and Game Code is amended
26 to read:

27 4000. The following are fur-bearing mammals: pine marten,
28 fisher, ~~wolverine,~~ mink, river otter, gray fox, ~~cross fox, silver fox,~~
29 red fox, kit fox, raccoon, beaver, badger, and muskrat.

30 SEC. 74. Section 4001 of the Fish and Game Code is repealed.

31 ~~4001. Fur-bearing mammals may be taken between November~~
32 ~~16th and the day before the last day of February.~~

33 SEC. 75. Section 4005 of the Fish and Game Code is amended
34 to read:

35 4005. (a) Except as otherwise provided in this section, every
36 person, other than a fur dealer, who traps fur-bearing mammals or
37 nongame mammals, designated by the commission or who sells
38 raw furs of those mammals, shall procure a trapping license. "Raw
39 fur" means any fur, pelt, or skin that has not been tanned or cured,
40 except that salt-cured or sun-cured pelts are raw furs.

(b) The department shall develop standards that are necessary to ensure the competence and proficiency of applicants for a trapping license. No person shall be issued a license until he or she has passed a test of his or her knowledge and skill in this field.

(c) Persons trapping mammals in accordance with Section 4152 or 4180 are not required to procure a trapping license except when providing trapping services for profit.

(d) No raw furs taken by persons providing trapping services for profit may be sold.

(e) The license requirement imposed by this section does not apply to any of the following:

(1) Officers or employees of federal, county, or city agencies or the department, when acting in their official capacities, or officers or employees of the Department of Food and Agriculture when acting pursuant to the Food and Agricultural Code pertaining to pests or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code.

(2) Structural pest control operators license pursuant to Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code, when trapping rats, mice, voles, moles, or gophers.

(3) Persons and businesses licensed or certified by the Department of Pesticide Regulation pursuant to Chapter 4 (commencing with Section 11701) and Chapter 8 (commencing with Section 12201) of Division 6 of, and Chapter 3.6, (commencing with Section 14151) of Division 7 of, the Food and Agricultural Code, when trapping rats, mice, voles, moles, or gophers.

(f) *(1) Except as provided in paragraph (2), nothing in this code or regulations adopted pursuant thereto shall be construed to prevent a land owner, lessee, governmental agency, public entity, their agents, or employees on property under their control, from trapping any of the following animals:*

(A) Gophers.

(B) House mice.

(C) Moles.

(D) Rats, except riparian woodrats.

(E) Voles, except white-footed voles.

(2) A land owner, lessee, governmental agency, public entity, their agents, or employees shall not trap any of the animals listed in paragraph (1) if prohibited by federal law or if the species is listed pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 or Chapter 8 (commencing with Section 4700).

SEC. 76. Section 4012 of the Fish and Game Code is amended to read:

4012. It is unlawful to take any ~~cross fox, silver fox, or Sierra Nevada~~ red fox (*Vulpes vulpes necator*) for profitmaking purposes.

SEC. 77. Section 4152 of the Fish and Game Code is amended to read:

4152. (a) Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, *subspecies of red fox that are not the native Sierra Nevada red fox (Vulpes vulpes necator)*, and red fox squirrels that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code *and regulations adopted pursuant to this code* by the owner or tenant of the premises or employees *and agents in immediate possession of written permission from the owner or tenant* thereof, ~~except that if leghold steel-jawed traps are used to take those mammals, the traps and the use thereof shall be in accordance with subdivisions (a), (b), and (d) of Section 4004.~~ They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city, officers or employees when acting in their official capacities pursuant to ~~the provisions of~~ the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from ~~the requirements of~~ Section 3007, *except when providing trapping services for a fee. Unless otherwise specifically allowed by the department, mammals taken pursuant to this section shall be immediately killed or immediately released unharmed on the same property where the take occurred.* Raw furs, as defined in Section 4005, that are taken under this section, ~~may~~ shall not be sold.

Traps

(b) Traps used pursuant to this section shall be inspected and all animals in the trap shall be removed at least once daily. The inspection and removal shall be done by the person who sets the

1 trap or the owner of the land where the trap is set or an agent of
2 either.

3 SEC. 78. Section 4180 of the Fish and Game Code is amended
4 to read:

5 4180. (a) Except as provided for in Section 4005, fur-bearing
6 mammals that are injuring property may be taken at any time and
7 in any manner in accordance with this code, ~~except that if leghold~~
8 ~~steel-jawed traps are used to take those mammals, the traps and~~
9 ~~the use thereof shall be in accordance with subdivisions (a), (b),~~
10 ~~and (d) of Section 4004 or regulations made pursuant to this code.~~
11 Raw furs, as defined in Section 4005, that are taken under this
12 section, ~~may~~ shall not be sold.

13 **Traps**

14 (b) Traps used pursuant to this section shall be inspected and
15 all animals in the trap shall be removed at least once daily. The
16 inspection and removal shall be done by the person who sets the
17 trap or the owner of the land where the trap is set or an agent of
18 either.

19 SEC. 79. Section 4181.1 of the Fish and Game Code is
20 amended to read:

21 4181.1. (a) Any bear that is encountered while in the act of
22 inflicting injury to, molesting, or killing, livestock may be taken
23 immediately by the owner of the livestock or the owner's employee
24 if the taking is reported no later than the next working day to the
25 department and the carcass is made available to the department.

26 (b) Notwithstanding Section 4652, any wild pig that is
27 encountered while in the act of inflicting injury to, molesting,
28 pursuing, worrying, or killing livestock or damaging or destroying,
29 or threatening to immediately damage or destroy, land or other
30 property, including, but not limited to, rare, threatened, or
31 endangered native plants, wildlife, or aquatic species, may be taken
32 immediately by the owner of the livestock, land, or property or
33 the owner's agent or employee, or by an agent or employee of any
34 federal, state, county, or city entity when acting in his or her official
35 capacity. The person taking the wild pig shall report the taking no
36 later than the next working day to the department and shall make
37 the carcass available to the department. Unless otherwise directed
38 by the department and notwithstanding Section 4657, the person
39 taking a wild pig pursuant to this subdivision, or to whom the
40 carcass of a wild pig taken pursuant to this subdivision is

1 transferred pursuant to subdivision (c), may possess the carcass
2 of the wild pig. The person in possession of the carcass shall make
3 use of the carcass, which may include an arrangement for the
4 transfer of the carcass to another person or entity, such as a
5 nonprofit organization, without compensation. The person who
6 arranges this transfer shall be deemed to be in compliance with
7 Section 4304. A violation of this subdivision is punishable pursuant
8 to Section 12000. It is the intent of the Legislature that nothing in
9 this subdivision shall be interpreted to authorize a person to take
10 wild pigs pursuant to this subdivision in violation of a state statute
11 or regulation or a local zoning or other ordinance that is adopted
12 pursuant to other provisions of law and that restricts the discharge
13 of firearms.

14 ~~(c) The department shall make a record of each report made~~
15 ~~pursuant to subdivision (a) or (b) and~~ may have an employee of
16 the department investigate the taking or cause the taking to be
17 investigated. The person taking a wild pig shall provide information
18 as deemed necessary by the department. Upon completion of the
19 investigation, the investigator may, upon a finding that the
20 requirements of this section have been met with respect to the
21 particular bear or wild pig taken under subdivision (a) or (b), issue
22 a written statement to the person confirming that the requirements
23 of this section have been met. The person who took the wild pig
24 may transfer the carcass to another person without compensation.

25 (d) Notwithstanding Section 4763, any part of any bear lawfully
26 possessed pursuant to this section is subject to Section 4758.

27 (e) Nothing in this section prohibits federal, state, or county
28 trappers from killing or trapping bears when the bears are killing
29 or molesting livestock, but no iron-jawed or steel-jawed or any
30 type of metal-jawed trap shall be used to take the bear, and no
31 person, including employees of the state, federal, or county
32 government, shall take bear with iron-jawed or steel-jawed or any
33 type of metal-jawed traps.

34 SEC. 80. Section 4181.2 of the Fish and Game Code is
35 repealed.

36 ~~4181.2. For the purposes of this article relating to damage~~
37 ~~caused by wild pigs, "damage" means loss or harm resulting from~~
38 ~~injury to person or property. The department shall develop~~
39 ~~statewide guidelines to aid in determining the damage caused by~~

1 ~~wild pigs. The guidelines shall consider various uses of the land~~
2 ~~impacted by pigs.~~

3 SEC. 81. Section 4181.5 of the Fish and Game Code is
4 amended to read:

5 4181.5. (a) Any owner or tenant of land or property that is
6 being damaged or destroyed or is in immediate danger of being
7 damaged or destroyed by deer may apply to the department for a
8 permit to kill ~~such~~ *those* deer. The department, upon satisfactory
9 evidence of ~~such~~ *that* damage or destruction, actual or immediately
10 threatened, shall issue a revocable permit for the taking and
11 disposition of ~~such~~ *those* deer for a designated period not to exceed
12 60 days under regulations promulgated by the commission.

13 ~~The~~

14 (b) *The* regulations of the commission shall include provisions
15 concerning the type of weapons to be used to kill the deer. The
16 weapons shall be ~~such~~ *those* as will ensure humane killing, but the
17 regulations of the commission shall provide for the use of a
18 sufficient variety of weapons to permit the designation of particular
19 types to be used in any particular locality commensurate with the
20 need to protect persons and property. Firearms using .22-caliber
21 rimfire cartridges may be used only when authorized by the ~~director~~
22 ~~department. No pistols shall be used.~~ The caliber and type of
23 weapon to be used by each permittee shall be specified in each
24 permit by the issuing officer who shall take into consideration the
25 location of the area, the necessity for clean kills, the safety factor,
26 local firearms ordinances, and other factors ~~which~~ *that* apply. Rifle
27 *and pistol* ammunition used shall have expanding bullets; shotgun
28 ammunition shall have only single slugs, *or, if authorized by the*
29 *department, 0 or 00 buckshot.*

30 ~~The~~

31 (c) *The* department shall issue tags similar to those provided for
32 in Section 4331 at the same time the permit is issued. A permittee
33 under this section shall carry the tags while hunting deer, and upon
34 the killing of any deer, shall immediately fill out both parts of the
35 tag and punch out clearly the date of the kill. One part of the tag
36 shall be immediately attached to the antlers of antlered deer or to
37 the ear of any other deer and kept attached until ~~ten (10)~~ *10* days
38 after the permit has expired. The other part of the tag shall be
39 immediately sent to the department after it has been countersigned
40 by any person authorized by Section 4341.

1 A

2 (d) A permit issued pursuant to this section may be renewed
3 only after a finding by the department that further damage has
4 occurred or will occur unless ~~such~~ *that* permit is renewed. A person
5 seeking renewal of the permit shall account for all prior tags issued
6 at the time he *or she* received any prior permits, and if any tags
7 are unused, he ~~must~~ *or she shall* show either that any deer killed
8 could not reasonably be tagged or why the killing was not
9 accomplished within the allotted time and why ~~such~~ *that* killing
10 would be accomplished under a new time period.

11 SEC. 82. Section 4186 of the Fish and Game Code is amended
12 to read:

13 4186. Nothing in this code prohibits the owner or tenant of
14 land, or any person authorized in writing by ~~such~~ *that* owner or
15 tenant, from taking cottontail or brush rabbits during any time of
16 the year when damage to crops or forage is being experienced on
17 ~~such~~ *that* land. *Unless otherwise specifically allowed by the*
18 *department, those rabbits shall be immediately killed or*
19 *immediately released unharmed on the same property where the*
20 *take occurred.* Any person other than the owner or tenant of ~~such~~
21 *the* land shall have in possession when transporting rabbits from
22 ~~such~~ *the* property, written authority from the owner or tenant of
23 land where ~~such~~ *those* rabbits were taken. Rabbits taken under ~~the~~
24 ~~provision of this code may~~ *this section shall* not be sold.

25 SEC. 83. Section 4330 of the Fish and Game Code is amended
26 to read:

27 4330. It is unlawful to take any deer without first procuring a
28 deer ~~license~~ tag or permit authorizing the taking of ~~such~~ *that* deer.

29 SEC. 84. Section 4331 of the Fish and Game Code is amended
30 to read:

31 4331. The commission may determine the design and makeup
32 of the deer ~~license~~ tag and prescribe the procedures for issuance
33 and use.

34 SEC. 85. Section 4332 of the Fish and Game Code is amended
35 to read:

36 4332. (a) Any resident of this state, 12 years of age or over,
37 who possesses a valid hunting license, may procure one ~~license~~
38 tag for the taking of one deer by one person during the current
39 license year, upon payment of the base fee of ten dollars (\$10) for

1 the license year beginning July 1, 1986, and the base fee as adjusted
2 under Section 713 for subsequent license years.

3 (b) Any nonresident of this state, 12 years of age or over, who
4 possesses a valid hunting license, may procure one ~~license~~ tag for
5 the taking of one deer by one person during the current license
6 year, upon payment of the base fee of one hundred dollars (\$100)
7 for the license year beginning July 1, 1986, and the base fee as
8 adjusted under Section 713 for subsequent license years.

9 (c) If provided in regulations adopted by the commission under
10 Section 200, any resident of this state, 12 years of age or over,
11 who possesses a deer tag may procure one additional deer tag for
12 the taking of one additional deer during the current license season,
13 upon payment of the base fee of twelve dollars and fifty cents
14 (\$12.50) for the license years beginning July 1, 1986, and the base
15 fee as adjusted under Section 713 for subsequent license years.

16 (d) If provided in regulations adopted by the commission under
17 Section 200, any nonresident of this state, 12 years of age or over,
18 who possesses a deer tag may procure one additional deer tag for
19 the taking of one additional deer during the current license season,
20 upon payment of the base fee of one hundred dollars (\$100) for
21 the license year beginning July 1, 1986, and the base fee as adjusted
22 under Section 713 for subsequent license years.

23 (e) The revenue received pursuant to this section shall be
24 deposited in the Fish and Game Preservation Fund, and,
25 notwithstanding Section 13340 of the Government Code, 54
26 percent of the amount deposited in that fund pursuant to this section
27 each year is hereby continuously appropriated to the department
28 for expenditure for the purpose of implementing the deer herd
29 management plans prepared pursuant to Chapter 5 (commencing
30 with Section 450) of Division 1.

31 The amount appropriated for implementation of deer herd
32 management plans by this subdivision is intended to be in addition
33 to, and not a replacement for, the funds budgeted in that year or
34 the previous year to the department from the Fish and Game
35 Preservation Fund for deer management.

36 SEC. 86. Section 4333 of the Fish and Game Code is amended
37 to read:

38 ~~4333. License tags~~ Tags are valid only during that portion of
39 the current hunting license year in which deer may be taken or
40 possessed in any area.

SEC. 87. Section 4334 of the Fish and Game Code is amended to read:

4334. The commission shall annually direct the department to authorize, pursuant to Sections 1054.6 and 1054.8, the sale of not more than 10 deer-license tags solely for the purpose of raising funds for programs and projects to benefit deer. These tags may be sold to residents or nonresidents of the State of California at auction or by any other method and are not subject to the fees prescribed by Section 4332. Notwithstanding Section 13340 of the Government Code, all funds derived from the sale of these tags is hereby continuously appropriated to the department to be used for the Deer Herd Management Plan Implementation Program. These funds shall augment, not supplant, any other funds appropriated to the department for the preservation, restoration, utilization, and management of deer. All revenues derived from the sale of these tags shall be remitted to the department by the seller.

SEC. 88. Section 4336 of the Fish and Game Code is amended to read:

4336. (a) ~~The holder of a deer tag~~ *person to whom a deer tag has been issued* shall carry the tag while hunting deer, ~~and upon~~. *Upon the killing of any deer, that person shall immediately fill out the tag and permanently mark the completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill.* The deer tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. The holder of the deer tag shall immediately, upon harvesting a deer, notify the department in a manner specified by the commission.

~~Except~~

(b) *Except as otherwise provided by this code or regulation adopted pursuant to this code, possession of it is unlawful to possess any untagged deer is a violation of this section.*

SEC. 89. Section 4340 of the Fish and Game Code is amended to read:

4340. (a) Any person who is convicted of a violation of any provision of this code, or of any rule, regulation, or order made or adopted under this code, relating to deer shall forfeit his or her deer-license tags, and no new deer-license tags ~~may~~ *shall* be issued

1 to that person during the then current license year for hunting
2 licenses.

3 (b) No person described in subdivision (a) may apply for deer
4 license tags for the following license year.

5 SEC. 90. Section 4341 of the Fish and Game Code is amended
6 to read:

7 4341. Any person legally killing a deer in this state shall have
8 the ~~license~~ tag countersigned by a person employed in the
9 department, a person designated for this purpose by the
10 commission, or by a notary public, postmaster, peace officer, or
11 an officer authorized to administer oaths, before transporting such
12 deer, except for the purpose of taking it to the nearest person
13 authorized to countersign the ~~license~~ tag, on the route being
14 followed from the point where the deer is taken.

15 SEC. 91. Section 4652 of the Fish and Game Code is amended
16 to read:

17 4652. ~~(a) It is unlawful to take any wild pig, except as provided~~
18 ~~in Section 4181, without first procuring a license tag authorizing~~
19 ~~the taking of such that wild pig in accordance with this chapter.~~

20 ~~(b) This section shall become operative on July 1, 1992.~~

21 SEC. 92. Section 4653 of the Fish and Game Code is amended
22 to read:

23 4653. The department may determine the design and type of
24 information to be included on the wild pig ~~license~~ tag and prescribe
25 the procedures for the issuance and use of the tag.

26 SEC. 93. Section 4655 of the Fish and Game Code is amended
27 to read:

28 4655. ~~(a) Wild pig license tags are valid only during that~~
29 ~~portion of the current hunting license year in which wild pigs may~~
30 ~~be taken or possessed in any area of the state.~~

31 ~~(b) This section shall become operative on July 1, 1992.~~

32 SEC. 94. Section 4657 of the Fish and Game Code is amended
33 to read:

34 4657. The holder of a wild pig tag shall keep the tag in his or
35 her possession while hunting wild pig. ~~Prior to~~ *Before* the taking
36 of any wild pig, the holder of a wild pig tag, *except for wild pig*
37 *tags issued through the Automated License Data System*, shall
38 legibly write or otherwise affix his or her hunting license number
39 to the wild pig tag. Upon the killing of any wild pig, the date of
40 the kill shall be clearly marked by the holder of the tag on *both*

1 *parts of the tag.* ~~Prior to~~ *Before* transporting the pig, a tag shall be
2 attached to the carcass by the holder of the tag. The holder of the
3 wild pig tag shall immediately, upon harvesting a pig, notify the
4 department in a manner specified by the commission.

5 SEC. 95. Section 4750 of the Fish and Game Code is amended
6 to read:

7 4750. It is unlawful to take any bear with firearm, trap, or bow
8 and arrow without first procuring a ~~license~~ tag authorizing the
9 taking of ~~such~~ *that* bear in accordance with the provisions of this
10 chapter, but no iron or steel-jawed or any type of metal-jawed trap
11 shall be used to take any bear.

12 SEC. 96. Section 4751 of the Fish and Game Code is amended
13 to read:

14 4751. (a) Any resident of this state, 12 years of age or over,
15 who possesses a valid hunting license, may procure the number
16 of bear tags corresponding to the number of bear that may legally
17 be taken by one person during the current license year, upon
18 payment of a base fee of fifteen dollars (\$15), as adjusted under
19 Section 713, for each bear tag.

20 (b) Any nonresident of this state, 12 years of age or over, who
21 possesses a valid California hunting license, may procure the
22 number of bear ~~license~~ tags corresponding to the number of bear
23 that may be legally taken by one person during the current license
24 year upon payment of the base fee of one hundred five dollars
25 (\$105), as adjusted under Section 713, for each bear tag.

26 SEC. 97. Section 4752 of the Fish and Game Code is amended
27 to read:

28 4752. Bear ~~license~~ tags are valid only during that portion of
29 the current hunting license year in which bear may be taken or
30 possessed in any district.

31 SEC. 98. Section 4753 of the Fish and Game Code is amended
32 to read:

33 4753. ~~The holder of a person to whom a bear tag has been~~
34 ~~issued shall carry the tag while hunting bear, and upon.~~ *Upon the*
35 *killing of any bear, that person shall immediately fill out the tag*
36 ~~and punch out clearly completely, legibly, and permanently, and~~
37 ~~cut out or punch out and completely remove notches or punch~~
38 ~~holes for the month and the date of the kill.~~ *One part of the tag*
39 *shall be immediately attached to the ear of the bear and kept*
40 *attached during the open season and for 15 days thereafter. The*

1 holder of the bear tag shall immediately, upon harvesting a bear,
2 notify the department in a manner specified by the commission.
3 ~~Possession of any untagged bear is a violation of this section.~~
4 *Except as otherwise provided by this code or regulations adopted*
5 *pursuant to this code, it is unlawful to possess any untagged bear.*

6 SEC. 99. Section 4754 of the Fish and Game Code is amended
7 to read:

8 4754. (a) Any person who is convicted of a violation of any
9 provision of this code, or of any rule, regulation, or order made or
10 adopted under this code, relating to bears shall forfeit his or her
11 bear-license tags, and new bear-license tags shall not be issued to
12 that person during the then current license year for hunting licenses.

13 (b) A person described in subdivision (a) shall not apply for
14 bear-license tags for the following license year.

15 SEC. 100. Section 4755 of the Fish and Game Code is amended
16 to read:

17 4755. Any person legally killing a bear in this state shall have
18 the-license tag countersigned by a fish and game commissioner, a
19 person employed in the department, a person designated for this
20 purpose by the commission, or by a notary public, postmaster,
21 peace officer or by an officer authorized to administer oaths, before
22 transporting ~~such~~ *that* bear except for the purpose of taking it to
23 the nearest officer authorized to countersign the-license tag, on the
24 route being followed from the point where the bear is taken.

25 SEC. 101. Section 4902 of the Fish and Game Code is amended
26 to read:

27 4902. (a) The commission may adopt all regulations necessary
28 to provide for biologically sound management of Nelson bighorn
29 sheep (subspecies *Ovis canadensis nelsoni*).

30 (b) (1) After the plans developed by the department pursuant
31 to Section 4901 for the management units have been submitted,
32 the commission may authorize sport hunting of mature Nelson
33 bighorn rams. ~~Prior to~~ *Before* authorizing the sport hunting, the
34 commission shall take into account the Nelson bighorn sheep
35 population statewide, including the population in the management
36 units designated for hunting.

37 ~~Notwithstanding~~

38 (2) *Notwithstanding* Section 219, the commission shall not,
39 however, adopt regulations authorizing the sport hunting in a single
40 year of more than 15 percent of the mature Nelson bighorn rams

1 in a single management unit, based on the department's annual
2 estimate of the population in each management unit.

3 (c) The fee for a ~~license~~ tag to take a Nelson bighorn ram may
4 be determined by the commission, but shall not exceed five
5 hundred dollars (\$500).

6 (d) The commission shall annually direct the department to
7 authorize not more than three of the ~~license~~ tags available for
8 issuance that year to take Nelson bighorn rams for the purpose of
9 raising funds for programs and projects to benefit bighorn sheep.
10 These ~~license~~ tags may be sold to residents or nonresidents of the
11 State of California at auction or by other method and shall not be
12 subject to the fee limitation prescribed in subdivision (c).
13 Commencing with tags sold for the 1993 hunting season, if more
14 than one tag is authorized, the department shall designate a
15 nonprofit organization organized pursuant to the laws of this state,
16 or the California chapter of a nonprofit organization organized
17 pursuant to the laws of another state, as the seller not less than one
18 of these tags. The number of tags authorized for the purpose of
19 raising funds pursuant to this subdivision, if more than one, shall
20 not exceed 15 percent of the total number of tags authorized
21 pursuant to subdivision (b).

22 (e) No ~~license~~ tag issued pursuant to this section shall be valid
23 unless and until the licensee has successfully completed a prehunt
24 hunter familiarization and orientation and has demonstrated to the
25 department that he or she is familiar with the requisite equipment
26 for participating in the hunting of bighorn rams, as determined by
27 the commission. The orientation shall be conducted by the
28 department at convenient locations and times preceding each
29 season, as determined by the commission.

30 SEC. 102. Section 4904 of the Fish and Game Code is amended
31 to read:

32 4904. (a) The department shall biennially report the following
33 to the Legislature:

34 (1) The management units for which plans have been developed
35 pursuant to Section 4901.

36 (2) A summary of the data from the annual count conducted by
37 the department for the purposes of subdivision (b) of Section 4902.

38 (3) The number of ~~license~~ tags issued in the preceding season,
39 and the number of mature Nelson bighorn rams taken under valid
40 ~~license~~ tags in the preceding season.

(4) Any instance known to the department of the unlawful or unlicensed taking of a bighorn sheep in this state and the disposition of any prosecution therefor.

(5) The number of bighorn sheep relocated during the previous year, the area where reintroduced, a statement on the success of the reintroduction, and a brief description of any reintroduction planned for the following year.

(b) ~~The report which is due in 1991 shall be presented to the Legislature on or before July 1, 1991, and~~ shall consist of a compilation of the results of the ongoing study conducted pursuant to this section each year since the enactment of this chapter and an assessment of the environmental impact of the hunting of Nelson bighorn sheep on the herds.

SEC. 103. Section 5020 of the Fish and Game Code is repealed.

~~5020. It is unlawful to take diamond-back terrapin (Malaclemys) at any time.~~

SEC. 104. Section 5502 of the Fish and Game Code is repealed.

~~5502. It is unlawful to take any fish within 250 feet of any fishway, within 150 feet of the lower side of any dam, or within 150 feet of the upper side of any fish screen.~~

SEC. 105. Section 5514 of the Fish and Game Code is amended to read:

5514. ~~In any district or part of a district in Butte County, it~~

(a) ~~It is unlawful to kill or retain in possession any king, silver chinook, coho, or kokanee salmon or any steelhead which~~ *that* has not taken the bait or lure in its mouth, *in inland waters*.

~~In this area, any king, silver~~

(b) *Any chinook, coho, or kokanee salmon or any steelhead hooked other than in its mouth in inland waters shall be released unharmed.*

SEC. 106. Section 5650 of the Fish and Game Code is amended to read:

5650. (a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state *or any storm drain* any of the following:

(1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.

(2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill, or factory of any kind.

1 (3) Any sawdust, shavings, slabs, or edgings.

2 (4) Any factory refuse, lime, or slag.

3 (5) Any cocculus indicus.

4 (6) Any substance or material deleterious to fish, plant life,
5 mammals, or bird life.

6 (b) This section does not apply to a discharge or a release that
7 is expressly authorized pursuant to , and in compliance with, the
8 terms and conditions of a waste discharge requirement pursuant
9 to Section 13263 of the Water Code or a waiver issued pursuant
10 to subdivision (a) of Section 13269 of the Water Code issued by
11 the State Water Resources Control Board or a regional water
12 quality control board after a public hearing, or that is expressly
13 authorized pursuant to, and in compliance with, the terms
14 conditions of a federal permit for which the State Water Resources
15 Control Board or a regional water quality control board has, after
16 a public hearing, issued a water quality certification pursuant to
17 Section 13160 of the Water Code. This section does not confer
18 additional authority on the State Water Resources Control Board,
19 a regional water quality control board, or any other entity.

20 (c) It shall be an affirmative defense to a violation of this section
21 if the defendant proves, by a preponderance of the evidence, all
22 of the following:

23 (1) The defendant complied with all applicable state and federal
24 laws and regulations requiring that the discharge or release be
25 reported to a government agency.

26 (2) The substance or material did not enter the waters of the
27 state or a storm drain ~~that discharges into the waters of the state.~~

28 (3) The defendant took reasonable and appropriate measures to
29 effectively mitigate the discharge or release in a timely manner.

30 (d) The affirmative defense in subdivision (c) does not apply
31 and ~~may~~ *shall* not be raised in an action for civil penalties or
32 injunctive relief pursuant to Section 5650.1.

33 (e) The affirmative defense in subdivision (c) does not apply
34 and ~~may~~ *shall* not be raised by any defendant who has on two prior
35 occasions in the preceding five years, in any combination within
36 the same county in which the case is prosecuted, either pleaded
37 nolo contendere, been convicted of a violation of this section, or
38 suffered a judgment for a violation of this section or Section
39 5650.1. This subdivision shall apply only to cases filed on or after
40 January 1, 1997.

(f) The affirmative defense in subdivision (c) does not apply and ~~may~~ *shall* not be raised by the defendant in any case in which a district attorney, city attorney, or Attorney General alleges, and the court finds, that the defendant acted willfully.

SEC. 107. Section 5652 of the Fish and Game Code is amended to read:

5652. (a) It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the ~~high-water~~ *high water* mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, *litter, refuse, waste, debris*, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

~~The~~

(b) *The* abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for ~~such~~ *that* abandonment and is thereby liable for the cost of removal and disposition of the vehicle. This section prohibits the placement of a vehicle body on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank.

~~This~~

(c) *This* section does not apply to a refuse disposal site ~~which~~ *that* is authorized by the appropriate local agency having jurisdiction or to the depositing of ~~such~~ *those* materials in a container from which the materials are routinely removed to a legal point of disposal.

~~This~~

(d) *This* section shall be enforced by all law enforcement officers of this state.

SEC. 108. Section 6301 of the Fish and Game Code is amended to read:

6301. The department ~~is authorized to~~ *may* enter at any time any ~~car~~ *vehicle, container*, warehouse, depot, ship, or growing area where any fish, ~~amphibia~~ *amphibians*, or aquatic plants are held, *transported*, or stored, for the purpose of making ~~an examination~~ *a regulatory inspection* to ascertain whether ~~such~~ *those* fish, ~~amphibia~~ *amphibians*, or aquatic plants are infected, diseased, or

1 parasitized, *or to determine if aquaculture products are being or*
2 *have been legally imported, transported, or possessed.*

3 SEC. 109. Section 7145 of the Fish and Game Code is amended
4 to read:

5 7145. (a) Except as otherwise provided in this article, every
6 person 16 years of age or older who takes any fish, reptile, or
7 ~~amphibia~~ *amphibian* for any purpose other than profit shall first
8 obtain a *valid* license for that purpose and shall have that license
9 on his or her person or in his or her immediate possession or where
10 otherwise specifically required by law or regulation to be kept
11 when engaged in carrying out any activity authorized by the
12 license. In the case of a person diving from a boat, the license may
13 be kept in the boat, or in the case of a person diving from the shore,
14 the license may be kept within 500 yards on the shore.

15 (b) (1) This section does not apply to an owner of *privately*
16 *owned* real property, or the owner's invitee, who, *without providing*
17 *compensation*, takes fish for purposes other than profit from a lake
18 or pond that is wholly enclosed by that owner's real property and
19 that is located offstream and ~~not hydrologically connected to any~~
20 ~~permanent or intermittent waterway of the state~~ *does not at any*
21 *time derive water from, or supply water to, any permanent or*
22 *intermittent artificial or natural lake, pond, stream, wash, canal,*
23 *river, creek, waterway, aqueduct, or similar water conveyance*
24 *system of the state. Access and control of the real property shall*
25 *be under the direct authority of the owner and not that of another*
26 *person or entity.*

27 ~~This~~

28 (2) *This* subdivision does not, and shall not be construed to,
29 authorize the introduction, migration, stocking, or transfer of
30 aquatic species, prohibited species, or any other nonnative or exotic
31 species into state waters or waterways. This subdivision does not
32 supersede or otherwise affect any provision of law that governs
33 aquaculture, including, but not limited to, the operation of trout
34 farms, ~~the operation of other enterprises for profit~~, or any activity
35 that is an adjunct to or a feature of, or that is operated in
36 conjunction with, any other enterprise operated for ~~profit~~ *a fee*,
37 including, *but not limited to*, private parks or *private* recreation
38 areas.

39 SEC. 110. Section 7147 of the Fish and Game Code is amended
40 to read:

1 7147. The owner or operator of a boat or vessel licensed
2 pursuant to Section 7920 shall not permit any person to fish from
3 that boat or vessel unless that person has, in his or her possession,
4 a valid California sport fishing license and any required ~~license~~
5 stamp or validation issued pursuant to this code.

6 SEC. 111. Section 7149.2 of the Fish and Game Code is
7 amended to read:

8 7149.2. (a) In addition to Sections 714, 7149, and 7149.05,
9 the department shall issue a lifetime sport fishing license under
10 this section. A lifetime sport fishing license authorizes the taking
11 of fish, amphibians, or reptiles anywhere in this state in accordance
12 with the law for purposes other than profit for the life of the person
13 to whom issued unless revoked for a violation of this code or
14 regulations adopted under this code. A lifetime sport fishing license
15 is not transferable. A lifetime sport fishing license does not include
16 any special ~~license~~ tags, ~~license~~ stamps, or fees.

17 (b) A lifetime sport fishing license may be issued to residents
18 of this state, as follows:

19 (1) To a person 62 years of age or over, upon payment of a base
20 fee of three hundred sixty-five dollars (\$365).

21 (2) To a person 40 years of age or over and less than 62 years
22 of age, upon payment of a base fee of five hundred forty dollars
23 (\$540).

24 (3) To a person 10 years of age or over and less than 40 years
25 of age upon payment of a base fee of six hundred dollars (\$600).

26 (4) To a person less than 10 years of age upon payment of a
27 base fee of three hundred sixty-five dollars (\$365).

28 (c) Nothing in this section requires a person less than 16 years
29 of age to obtain a license to take fish, amphibians, or reptiles for
30 purposes other than profit.

31 (d) Nothing in this section exempts a license applicant from
32 meeting other qualifications or requirements otherwise established
33 by law for the privilege of sport fishing.

34 (e) Upon payment of a base fee of two hundred forty-five dollars
35 (\$245), a person holding a lifetime sport fishing license or lifetime
36 sportsman's license shall be entitled annually to the privileges
37 afforded to a person holding a second-rod stamp or validation
38 issued pursuant to Section 7149.4 or 7149.45, a sport fishing ocean
39 enhancement stamp or validation issued pursuant to paragraph (1)
40 of subdivision (a) of Section 6596 or 6596.1, one steelhead trout

1 report restoration card issued pursuant to Section 7380, a Bay-Delta
2 sport fishing enhancement stamp or validation issued pursuant to
3 Section 7360 or 7360.1, and one salmon punchcard issued pursuant
4 to regulations adopted by the commission. Lifetime privileges
5 issued pursuant to this subdivision are not transferable.

6 (f) The base fees specified in this section are applicable
7 commencing January 1, 2004, and shall be adjusted annually
8 thereafter pursuant to Section 713.

9 SEC. 112. Section 7149.4 of the Fish and Game Code is
10 amended to read:

11 7149.4. (a) It is unlawful for any person to fish with two rods
12 without first obtaining a second-rod sport fishing stamp, in addition
13 to a valid California sport fishing license and any applicable stamp
14 issued pursuant to subdivision (a) of Section 7149, and having that
15 stamp affixed to his or her valid sport fishing license. Any person
16 who has a valid second-rod sport fishing stamp affixed to his or
17 her valid sport fishing license may fish with two rods in inland
18 ~~lakes and reservoirs~~ *waters* in any sport fishery in which the
19 regulations of the commission provide for the taking of fish by
20 angling, *except those waters in which only artificial lures or*
21 *barbless hooks may be used.*

22 ~~(b) In the Colorado River District, any person who has a valid~~
23 ~~second-rod sport fishing stamp attached to his or her valid sport~~
24 ~~fishing license issued pursuant to subdivision (a) of Section 7149~~
25 ~~may fish with two rods in any sport fishery in which the regulations~~
26 ~~of the commission provide for the taking of fish by angling.~~

27 (e)

28 (b) The department or an authorized license agent shall issue a
29 second-rod sport fishing stamp upon payment of a base fee of
30 seven dollars and fifty cents (\$7.50) during the 1995 calendar year
31 and subsequent years, as adjusted under Section 713.

32 (d)

33 (c) This section does not apply to licenses, permits, reservations,
34 tags, or other entitlements issued through the Automated License
35 Data System.

36 SEC. 113. Section 7149.45 of the Fish and Game Code is
37 amended to read:

38 7149.45. (a) It is unlawful for any person to fish with two rods
39 without first obtaining a second-rod sport fishing validation, in
40 addition to a valid California sport fishing license ~~and any~~

1 applicable validation issued pursuant to subdivision (a) of Section
2 7149.05, and having that validation affixed to his or her valid sport
3 fishing license. Any person who has a valid second-rod sport
4 fishing validation affixed to his or her valid sport fishing license
5 may fish with two rods in inland lakes and reservoirs waters in
6 any sport fishery in which the regulations of the commission
7 provide for the taking of fish by angling, *except those waters in*
8 *which only artificial lures or barbless hooks may be used.*

9 ~~(b) In the Colorado River District, any person who has a valid~~
10 ~~second-rod sport fishing license validation affixed to his or her~~
11 ~~valid sport fishing license issued pursuant to subdivision (a) of~~
12 ~~Section 7149.05 may fish with two rods in any sport fishery in~~
13 ~~which the regulations of the commission provide for the taking of~~
14 ~~fish by angling.~~

15 (e)

16 (b) The department or an authorized license agent shall issue a
17 second-rod sport fishing validation upon payment of a base fee of
18 seven dollars and fifty cents (\$7.50) during the 1995 calendar year
19 and subsequent years, as adjusted under Section 713.

20 ~~(d)~~

21 (c) This section applies only to licenses, permits, reservations,
22 tags, and other entitlements issued through the Automated License
23 Data System.

24 SEC. 114. Section 7153 of the Fish and Game Code is amended
25 to read:

26 7153. (a) A sport fishing license is not required to take fish
27 by any legal means, for any purpose other than profit, from a public
28 pier, as defined by the commission, in the ocean waters of the state,
29 *or while angling at an aquaculture facility site that is registered*
30 *pursuant to Section 235 of Title 14 of the California Code of*
31 *Regulations.*

32 (b) For purposes of this section, “ocean waters” include, but are
33 not limited to, the open waters adjacent to the ocean and any island;
34 the waters of any open or enclosed bay contiguous to the ocean;
35 the San Francisco and San Pablo Bays, with any tidal bay belonging
36 thereto; and any slough or estuary, if found between the Golden
37 Gate Bridge and the Benicia-Martinez Bridge.

38 SEC. 115. Section 7180 of the Fish and Game Code is amended
39 to read:

1 7180. (a) Any person taking fish or ~~amphibia~~ *amphibians* for
2 purposes other than profit from or on a boat or other floating device
3 on the waters of the Colorado River and on adjacent waters, except
4 canals, drains, or ditches used to transport water used for irrigation
5 or domestic purposes, shall have in his or her possession a valid
6 sportfishing license issued by either the State of Arizona or State
7 of California.

8 (b) In addition to either of the licenses, a person taking fish or
9 ~~amphibia~~ *amphibians* as indicated shall have in his or her
10 possession a *valid* Colorado River special use stamp *permanently*
11 *affixed to his or her valid sportfishing license*. If he or she is a
12 person having in his or her possession a valid California
13 sportfishing license he or she shall have an Arizona special use
14 stamp to fish legally the waters described above. If he or she is a
15 person having in his or her possession a valid Arizona sportfishing
16 license, he or she shall have a California special use stamp to fish
17 legally the waters described above.

18 (c) A special use stamp, when accompanied by the proper
19 license, permits fishing in any portion of those waters, and permit
20 fishermen to enter the waters from any point.

21 The fee for a Colorado River special use stamp is three dollars
22 (\$3).

23 (d) This section does not apply to licenses, permits, reservations,
24 tags, or other entitlements issued through the Automated License
25 Data System.

26 SEC. 116. Section 7852.27 of the Fish and Game Code is
27 amended to read:

28 7852.27. At all times when engaged in any activity described
29 in Section 7850 or Article 7 (commencing with Section 8030) for
30 which a commercial fishing license is required, the licensee shall
31 have in his or her possession, or immediately available to the
32 licensee, a valid driver's license or identification card issued *to*
33 *him or her* by the Department of Motor Vehicles or by the entity
34 issuing driver's licenses from the licensee's state of domicile. *A*
35 *current passport may be used in lieu of a valid driver's license or*
36 *identification card by a holder of a valid nonresident commercial*
37 *fishing license issued pursuant to subdivision (b) of Section 7852.*
38 *The licensee's driver's license, identification card or, if applicable,*
39 *passport shall be exhibited upon demand to any person authorized*

1 *by the department to enforce this code or regulations adopted*
2 *pursuant thereto.*

3 SEC. 117. Section 8022 of the Fish and Game Code is amended
4 to read:

5 8022. (a) The receipts, reports, or other records filed with the
6 department pursuant to Article 2 (commencing with Section 7700)
7 to Article 7.5 (commencing with Section 8040), inclusive, and the
8 information contained therein, shall, except as otherwise provided
9 in this section, be confidential, and the records shall not be public
10 records. Insofar as possible, the information contained in the
11 records shall be compiled or published as summaries, so as not to
12 disclose the individual record or business of any person.

13 (b) Notwithstanding any other provision of law, the department
14 may release the confidential information described in subdivision
15 (a) to any federal agency responsible for fishery management
16 activities, provided the information is used solely for the purposes
17 of enforcing fishery management provisions and provided the
18 information will otherwise remain confidential. The department
19 may also release this information in accordance with Section 391
20 or pursuant to a court order, *to a public or private postsecondary*
21 *institution engaged in research under the terms of a legally binding*
22 *confidentiality agreement, or under other conditions as the*
23 *commission by regulation may provide.*

24 (c) *All forms, logs, books, covers, documents, electronic data,*
25 *software, and other records of any kind issued or otherwise*
26 *supplied, directly or indirectly, by the department, the purpose of*
27 *which is to provide a means for reports, records, or other*
28 *information to be filed with the department pursuant to Article 2*
29 *(commencing with Section 7700) to Article 7.5 (commencing with*
30 *Section 8040), inclusive, continue to be the property of the*
31 *department. Those forms, logs, books, covers, documents,*
32 *electronic data, software, other records, or portions thereof remain*
33 *the property of the department whether used, unused, attached, or*
34 *detached from their original binding, packaging, or other medium*
35 *and shall be immediately surrendered upon demand to a peace*
36 *officer of the department acting in his or her official capacity,*
37 *without being altered in any manner.*

38 SEC. 118. Section 8030 of the Fish and Game Code is amended
39 to read:

1 8030. Any person who engages in any business for profit
2 involving fish shall be licensed pursuant to this article, except as
3 follows:

4 (a) A commercial fisherman who sells fish only to persons
5 licensed under this article to purchase or receive fish from
6 commercial fishermen and who does not engage in any activity
7 described in Section 8034, 8035, or 8036 unless licensed to engage
8 in both activities.

9 (b) A person licensed pursuant to Section 8460 who only takes,
10 transports, or sells live freshwater fish for bait.

11 (c) A person who sells fish or aquaculture products only at retail
12 to the ultimate consumer if that person does not conduct any
13 activities described in Section 8033, 8035, or 8036.

14 (d) Pursuant to Division 12 (commencing with Section 15000),
15 a person who deals only in products of aquaculture.

16 (e) A person who deals only with nonnative live products that
17 are not utilized for human consumption but that are utilized solely
18 for pet industry or hobby purposes and who does not engage in
19 the activities described in Section 8033.1.

20 (f) A person who is employed by the fish receiver to unload fish
21 or fish products from a commercial fishing boat at a dock.

22 (g) A person who purchases, sells, takes, or receives live marine
23 fish for use as live bait, ~~which~~ *that* are not brought ashore, and
24 who does not engage in any activity described in Section 8033,
25 8033.1, 8034, 8035, or 8036.

26 (h) *A person who does not purchase or obtain fish, but who acts*
27 *as an agent for others while negotiating purchases, or sales of fish*
28 *in return for a fee, commission, or other compensation.*

29 SEC. 119. Section 8250.5 of the Fish and Game Code is
30 amended to read:

31 8250.5. (a) Subject to this article and Article 1 (commencing
32 with Section 9000) of Chapter 4, a lobster trap, as described in
33 Section 9010, may be used to take lobster for commercial purposes
34 under a lobster permit issued pursuant to Section 8254.

35 (b) The following species may be taken incidentally in lobster
36 traps being fished under the authority of a lobster permit issued
37 pursuant to Section 8254, and any other species taken incidentally
38 shall be *immediately released back to the water*:

39 (1) Crab, other than Dungeness crab.

40 (2) Kellet's whelk.

1 (3) Octopus.

2 (c) Spiny lobsters taken in the manner commonly known as
3 skindiving or by a person using self-contained underwater breathing
4 apparatus shall not be sold.

5 SEC. 120. Section 8284 of the Fish and Game Code is amended
6 to read:

7 8284. (a) Subject to this article and Article 1 (commencing
8 with Section 9000) of Chapter 4, crab traps, as described in Section
9 9011, may be used to take Dungeness crab for commercial
10 purposes. Any fish may be taken incidentally in crab traps being
11 used to take Dungeness crab.

12 (b) Any other species taken incidentally in a crab trap being
13 used to take rock crab, except as provided in ~~this~~ subdivision (c),
14 shall be *immediately released back to the water.* ~~The~~

15 (c) *The* following species may be taken incidentally in crab traps
16 being used to take rock crab under a permit issued pursuant to
17 Section 9001 in Districts 19 and 118.5, ~~and any other species taken~~
18 ~~incidentally with a crab trap being used to take rock crab shall be~~
19 ~~released.~~

20 (1) Kellet's whelk.

21 (2) Octopus.

22 (3) Crabs, other than the genus *Cancer*.

23 SEC. 121. Section 8372 of the Fish and Game Code is amended
24 to read:

25 8372. ~~No kelp~~ *Kelp* bass, sand bass, or spotted bass, all of the
26 genus *Paralabrax*, ~~may~~ *shall not* be sold or purchased, or possessed
27 in any place where fish are purchased, possessed for sale, or sold,
28 or where food is offered *or processed* for sale, or in any truck,
29 *vessel*, or other conveyance operated by or for a place so selling
30 or possessing fish; except that those fish may be imported into this
31 state pursuant to Article 1 (commencing with Section 2345) of
32 Chapter 4 of Division 3, and may be sold under ~~such~~ regulations
33 as the commission may adopt. It is unlawful to take, possess, or
34 sell any fish less than 10 ½ inches in length of the species specified
35 in this section.

36 SEC. 122. Section 8383 of the Fish and Game Code is amended
37 to read:

38 8383. ~~White~~ *South of a line extending due west (true) from*
39 *Point Conception, white sea bass* ~~may~~ *shall not* be taken for
40 commercial purposes ~~between from March 15th and to June 15th,~~

1 inclusive, ~~between the United States-Mexico International~~
2 ~~Boundary and a line extending due west (true) from Point~~
3 ~~Conception.~~ Any fish so taken shall not be transferred to any other
4 vessel.

5 ~~The restrictions in this section shall not apply to white sea bass~~
6 ~~taken in waters lying south of the International Boundary Line~~
7 ~~between the United States and Mexico extended westerly into the~~
8 ~~Pacific Ocean. A current fishing permit issued by the Mexican~~
9 ~~Government is evidence that white sea bass were taken south of~~
10 ~~the international boundary.~~

11 SEC. 123. Section 8573 of the Fish and Game Code is amended
12 to read:

13 8573. Drift gill nets may be used to take shark and swordfish
14 under the permit provided in this article ~~and are~~, subject to Section
15 8610.3 and *all of* the following restrictions:

16 (a) From June 1 to November 15, inclusive, shark or swordfish
17 gill nets shall not be in the water from two hours after sunrise to
18 two hours before sunset east of a line described as follows:

19 From a point beginning at Las Pitas Point to San Pedro Point on
20 Santa Cruz Island, thence to Gull Island Light, thence to the
21 northeast extremity of San Nicolas Island, thence along the high
22 water mark on the west side of San Nicolas Island to the southeast
23 extremity of San Nicolas Island, thence to the northwest extremity
24 of San Clemente Island, thence along the high water mark on the
25 west side of San Clemente Island to the southeast extremity of San
26 Clemente Island, thence along a line running 150° true from the
27 southeast extremity of San Clemente Island to the westerly
28 extension of the boundary line between the Republic of Mexico
29 and San Diego County.

30 (b) (1) The total maximum length of a shark or swordfish gill
31 net on the net reel on a vessel, on the deck of the vessel, and in the
32 water at any time shall not exceed 6,000 feet in float line length.
33 The float line length shall be determined by measuring the float
34 line, as tied, of all the net panels, ~~excluding the bridle, towline, or~~
35 ~~stotza and excluding the parachute or other drogue device combined~~
36 *with any other netted lines. The existence of holes, tears, or gaps*
37 *in the net shall have no bearing on the measurement of the float*
38 *line. The float line of any net panels with holes, tears, or gaps shall*
39 *be included in the total float line measurement.*

(2) Any shark or swordfish gill net on the reel shall have the float lines of the adjacent panels tied together, the lead lines of the adjacent panels tied together, and the web of the adjacent panels laced together. No quick disconnect device may be used unless the total maximum length of all shark and swordfish gill nets, including all spare gill nets or net panels on the vessel and all gill nets or net panels on the net reels on the vessel, on the deck of the vessel, stored aboard the vessel, and in the water, does not exceed 6,000 feet in float line length as determined under paragraph (1).

(3) Spare shark or swordfish gill net aboard the vessel shall not exceed 250 fathoms (1,500 feet) in total length, and the spare net shall be in separated panels of not to exceed 100 fathoms (600 feet) in float line length for each panel, with the float lines and leadlines attached to each panel separately gathered and tied, and the spare net panels stowed in lockers, wells, or other storage space.

(4) If a torn panel is replaced in a working shark or swordfish gill net, the torn panel shall be removed from the working net before the replacement panel is attached to the working net.

(c) Any end of a shark or swordfish gill net not attached to the permittee's vessel shall be marked by a pole with a radar reflector. The reflector shall be at least six feet above the surface of the ocean and not less than 10 inches in any dimension except thickness. The permittee's permit number shall be permanently affixed to at least one buoy or float-~~which~~ *that* is attached to the radar reflector staff. The permit number shall be at least one and one-half inches in height and all markings shall be at least one-quarter inch in width.

(d) For the purposes of this article, "shark or swordfish gill net" means a drift gill net of 14-inch or greater mesh size.

SEC. 124. Section 8576 of the Fish and Game Code is amended to read:

8576. (a) Drift gill nets shall not be used to take shark or swordfish from February 1 to April 30, inclusive.

(b) Drift gill nets shall not be used to take shark or swordfish in ocean waters within 75 nautical miles from the mainland coastline between the westerly extension of the California-Oregon boundary line and the westerly extension of the United States-Republic of Mexico boundary line from May 1 to August 14, inclusive.

(c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit issued under Section 8561 or 8681, except

1 that drift gill nets with a mesh size smaller than eight inches in
2 stretched mesh and twine size number 18, or the equivalent of this
3 twine size, or smaller, used pursuant to a permit issued under
4 Section 8681, may be used to take species of sharks other than
5 thresher shark, shortfin mako shark, and white shark during the
6 periods specified in subdivisions (a) and (b). However, during the
7 periods of time specified in subdivisions (a) and (b), not more than
8 two thresher sharks and two shortfin mako sharks may be possessed
9 and sold if taken incidentally in drift gill nets while fishing for
10 barracuda or white seabass and if at least 10 barracuda or five
11 white seabass are possessed and landed at the same time as the
12 incidentally taken thresher or shortfin mako shark. No thresher
13 shark or shortfin mako shark taken pursuant to this subdivision
14 shall be transferred to another vessel ~~prior to~~ before landing the
15 fish. Any vessel possessing thresher or shortfin mako sharks
16 pursuant to this section shall not have any gill or trammel net
17 aboard that is constructed with a mesh size greater than eight inches
18 in stretched mesh and twine size greater than number 18, or the
19 equivalent of a twine size greater than number 18.

20 (d) Notwithstanding the closure from May 1 to August 14,
21 inclusive, provided by subdivision (b), a permittee may land
22 swordfish or thresher shark taken in ocean waters more than 75
23 nautical miles from the mainland coastline in that period if, for
24 each landing during that closed period, the permittee signs a written
25 declaration under penalty of perjury that the fish landed were taken
26 more than 75 nautical miles from the mainland coastline. *The*
27 *declaration shall be completed and signed before arrival at any*
28 *port in this state. Within 72 hours of the time of arrival, the*
29 *permittee shall deliver the declaration to the department.*

30 (e) If any person is convicted of falsely swearing a declaration
31 under subdivision (d), in addition to any other penalty prescribed
32 by law, the following penalties shall be imposed:

33 (1) The fish landed shall be forfeited, or, if sold, the proceeds
34 from the sale shall be forfeited, pursuant to Sections 12159, 12160,
35 12161, and 12162.

36 (2) All shark or swordfish gill nets possessed by the permittee
37 shall be seized and forfeited pursuant to Section 8630 or 12157.

38 (f) From August 15 of the year of issue to January 31, inclusive,
39 of the following year, swordfish may be taken under a permit
40 issued pursuant to this article.

SEC. 125. Section 8597 of the Fish and Game Code is amended to read:

8597. (a) It is unlawful for any person to take, possess aboard a boat, or land for marine aquaria pet trade purposes any live organisms identified in subdivision (b), unless that person has a valid marine aquaria collector's permit that has not been suspended or revoked. At least one person aboard the boat shall have a valid marine aquaria collector permit.

(b) Except as provided in Section 8598.2, and unless otherwise prohibited in this code, or regulations made pursuant thereto, specimens of the following groups or species may be taken, possessed aboard a boat, or landed under a marine aquaria collector's permit:

(1) Marine plants:

(A) Chlorophyta.

(B) Phaeophyta.

(C) Rhodophyta.

(D) Spermatophyta, all species.

(2) Invertebrates:

(A) Polychaeta—worms; all species.

(B) Crustacea—shrimp, crabs; all species, except the following:

(i) Dungeness crab—*Cancer magister*.

(ii) Yellow crab—*Cancer anthonyi*.

(iii) Red crab—*Cancer productus*.

(iv) Sheep crab—*Loxorhynchus grandis*.

(v) Spot prawn—*Pandalus platyceros*.

(vi) Ridgeback prawn—*Sicyonia ingentis*.

(vii) Golden prawn—*Penaeus californiensis*.

(viii) Sand crab—*Emerita analoga*.

(ix) Redrock shrimp—*Lysmata californica*.

(x) Bay shrimp—*Crangon* sp. and *Palaemon macrodactylus*.

(xi) Ghost shrimp—*Callinassa* sp.

(C) Asteroidea—Sea stars; all species.

(D) Ophiuroidea—Brittle stars; all species.

(E) Gastropoda—snails, limpets, sea slugs; all species, except Kellet's whelk—*Kelletia kelletii*.

(F) Bivalvia—clams and mussels; all species.

(G) Polyplacophora—Chitons; all species.

(H) Cephalopoda—Octopuses and squids; all species, except two spot octopuses—*Octopus bimaculatus* and *Octopus maculoides*—and market squid—*Loligo opalescens*.

(I) Tunicata—Sea squirts; all species.

(3) Vertebrates:

(A) Osteichthyes—Finfishes; all species, except the following:

(i) Rockfish—*Sebastes* sp. larger than six inches total length.

(ii) Sheephead—*Semicossyphus pulcher* larger than six inches total length.

(iii) Anchovy—*Engraulis mordax*.

(iv) Sardine—*Sardinops sagax*.

(v) Pacific/chub mackerel—*Scomber japonicus*.

(vi) Jack mackerel—*Trachurus symmetricus*.

(vii) Queenfish—*Seriphus politus*.

(viii) White Croaker—*Genyonemus lineatus*.

(ix) Top smelt—*Atherinops affinis*.

(x) Grunion—*Leuresthes tenuis*.

(xi) Shiner surf perch—*Cymatogaster aggregata*.

(xii) Longjawed mudsucker—*Gillichthys mirabilis*.

(B) Chondrichthyes—sharks, rays, and skates; all species less than 18 inches total length, *except that leopard shark (*Triakis semifasciata*) shall be 36 inches or larger in total length.*

(c) The holder of a permit issued pursuant to this section is not required to obtain or possess a kelp harvester's license issued pursuant to Section 6651, a tidal invertebrate permit issued pursuant to Section 8500, or a general trap permit issued pursuant to Article 1 (commencing with Section 9000) of Chapter 4, when taking, possessing, or landing live organisms for marine aquaria pet trade purposes pursuant to subdivision (b), subject to regulations governing the taking of tidal invertebrates. The commission shall adopt regulations to implement this subdivision, and, for that purpose, may incorporate other regulations by reference.

SEC. 126. Section 8598 of the Fish and Game Code is amended to read:

8598. (a) Notwithstanding Section 8140 or subdivision (b) of Section 8597, specimens of the following groups or species shall not be taken, possessed aboard a boat, or landed for commercial purposes. *Taking, possessing or landing of any of the following species in a commercial operation is prima facie evidence that it was taken, possessed, or landed for commercial purposes:*

- 1 (1) Invertebrates:
- 2 (A) Phylum Porifera—all sponges.
- 3 (B) Genus *Pelagia* sp.—jellyfish.
- 4 (C) Coelenterata—corals, anemones; all species.
- 5 (D) Order Gorgonacea—all gorgonians.
- 6 (E) Order Pennatulacea—all species, except *Renilla kollikeri*.
- 7 (F) Feather-duster worm—*Eudistylia polymorpha*.
- 8 (G) Fiddler crab—*Uca crenulata*.
- 9 (H) Umbrella crab—*Cryptolithodes sitchensis*.
- 10 (I) Stalked or goose barnacles—*Pollicipes* sp.
- 11 (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguilula*.
- 12 (K) Owl limpet—*Lottia gigantea*.
- 13 (L) Coffee bean shells—*Trivia* sp.
- 14 (M) Three-winged murex—*Pteropurpura trialata*.
- 15 (N) Vidler's simnia—*Simnia vidleri*.
- 16 (O) Queen tegula—*Tegula regina*.
- 17 (P) Opisthobranchia (including nudibranchs)—all subclass
- 18 Opisthobranchia species except:
- 19 (i) Sea hares—*Aplysia californica* and *Aplysia vaccaria*.
- 20 (ii) *Hermisenda crassicornis*.
- 21 (iii) Lion's mouth—*Melibe leonina*.
- 22 (iv) *Aeolidia papillosa*.
- 23 (v) Spanish shawl—*Flabellina iodinea*.
- 24 (2) Vertebrates:
- 25 (A) All shark and ray eggcases.
- 26 (B) Brown smoothhound sharks—*Mustelus hinlei*—that are
- 27 less than 18 inches in a whole condition or dressed with head and
- 28 tail removed.
- 29 (C) Family Agonidae—all poachers.
- 30 (D) Wolf-eel—*Anarrhichthys ocellatus*.
- 31 (E) Juvenile sheephead—*Semicossyphus pulcher* (under 6
- 32 inches).
- 33 (F) Garibaldi—*Hypsypops rubicundus*.
- 34 (3) Live rocks.
- 35 (A) Rocks with living organisms attached, commonly called
- 36 “live rocks,” shall not be taken or possessed except as provided in
- 37 subparagraph (C).
- 38 (B) Rocks shall not be broken to take marine aquaria species,
- 39 and any rock displaced to access any of those species shall be
- 40 returned to its original position.

1 (C) Rocks cultured under the authority of an aquaculture
2 registration may be possessed.

3 (b) No organisms may be taken, possessed, or landed for marine
4 aquaria pet trade purposes under the terms of a marine aquaria
5 collector's permit in any of the following areas:

6 (1) On the north side of Santa Catalina Island from a line
7 extending three nautical miles 90 degrees true from Church Rock
8 to a line extending three nautical miles 270 degrees true from the
9 extreme west end of the island.

10 (2) On the south or "back" side of Santa Catalina Island from
11 a line extending three nautical miles 90 degrees true from Church
12 Rock to a line extending three nautical miles 270 degrees true from
13 the extreme west end of the island.

14 (3) Marine life refuges, marine reserves, ecological reserves,
15 and state reserves.

16 SEC. 127. Section 8632 of the Fish and Game Code is amended
17 to read:

18 8632. Within three days after the department has been notified
19 in writing that a vessel carrying a seized net has arrived in port,
20 the department ~~shall~~ *may* remove the net from the vessel, unless
21 the owner has furnished a bond in accordance with Section 8633.
22 The notice shall be sufficient when delivered to the ~~patrol~~ office
23 of the department nearest to the port at which the vessel has arrived.

24 SEC. 128. Section 8681 of the Fish and Game Code is amended
25 to read:

26 8681. (a) Gill nets or trammel nets shall not be used for
27 commercial purposes except under a revocable, nontransferable
28 permit issued by the department. Each permittee shall keep an
29 accurate record of his or her fishing operations in a logbook
30 furnished by the department. ~~A permit may be revoked and~~
31 ~~canceled by the commission when so recommended by the~~
32 ~~department upon a conviction for a violation of this article, or~~
33 ~~regulation authorized by this article, by the permittee, his or her~~
34 ~~agents, servants, or employees, or those acting under his or her~~
35 ~~direction and control. The commission may suspend, revoke, or~~
36 ~~cancel a permit, license, and commercial fishing privileges~~
37 ~~pursuant to Section 7857. A permit may be revoked and canceled~~
38 ~~for a period not to exceed one year from the date of revocation.~~

(b) In accordance with Section 4 of Article XB of the California Constitution, this section contains the provisions in effect on January 1, 1989.

SEC. 129. Section 10500 of the Fish and Game Code is amended to read:

10500. Except under a permit or specific authorization, it is unlawful *to do any of the following*:

(a) To take or possess any bird or mammal, or part thereof, in any game refuge.

(b) To use or have in possession in a game refuge, any firearm, *air rifle, crossbow*, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm *or air rifle* or to release any arrow *or crossbow bolt* into any game refuge.

(c) To take or possess any species of fish or ~~amphibia~~ *amphibian*, or part thereof, in any fish refuge, or to use or have in possession in ~~such that~~ *such that* refuge any contrivance designed to be used for catching fish.

(d) To take or possess any bird in, or to discharge any firearm *or air rifle*, or to release any arrow *or crossbow bolt* within or into, any ~~fowl~~ *waterfowl* refuge.

(e) To take or possess any quail in a quail refuge.

(f) To take or possess any invertebrate or specimen of marine plant life in a marine life refuge.

(g) To take or possess any clam in a clam refuge or to possess in such a refuge any instrument or apparatus capable of being used to dig clams.

SEC. 130. Section 10506 of the Fish and Game Code is amended to read:

10506. Nothing in this code prohibits the possession of firearms, *air rifles, crossbows and bolts*, or bows and arrows by persons when traveling through any game refuges when the firearms are taken apart or encased and unloaded and the bows are unstrung *or stored separately from any arrow or bolt*. When the traveling is done on a route other than a public highway or other public thoroughfare or right of way, notice shall be given to the department at least ~~twenty-four (24)~~ 24 hours before ~~such that~~ traveling. The notice shall give the name and address of the person intending to travel through the refuge, the name of the refuge, the

1 approximate route, and the approximate time when ~~such~~ *that* person
2 intends to travel through the refuge.

3 SEC. 131. Section 11032 of the Fish and Game Code is
4 amended to read:

5 11032. The following constitutes Fish and Game District 21:

6 The waters and tidelands to ~~high-water~~ *high water* mark of San
7 Diego Bay lying inside of a straight line drawn from ~~the southernly~~
8 *extremity of* Point Loma to the offshore end of the San Diego
9 breakwater.

10 SEC. 132. Section 12000 of the Fish and Game Code is
11 amended to read:

12 12000. (a) Except as expressly provided otherwise in this code,
13 any violation of this code, or of any rule, regulation, or order made
14 or adopted under this code, is a misdemeanor.

15 (b) Notwithstanding subdivision (a), any person who violates
16 any of the following statutes or regulations, ~~as those statutes or~~
17 ~~regulations read on January 1, 2003~~, is guilty of an infraction
18 punishable by a fine of not less than one hundred dollars (\$100)
19 or more than one thousand dollars (\$1,000), or of a misdemeanor:

20 (1) Subdivision (a) of Section 6596.

21 (2) Section 7149.8.

22 (3) Section 7360.

23 (4) ~~Section~~ *Sections 1.14, 1.17, 1.18, 1.62, 1.63, and 1.74* of
24 Title 14 of the California Code of Regulations.

25 (5) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive,
26 of Title 14 of the California Code of Regulations.

27 (6) Sections 27.56, ~~27.65, and 27.70 to 30.10, inclusive~~, of Title
28 14 of the California Code of Regulations.

29 ~~(7) Sections 27.85 to 30.10, inclusive, of Title 14 of the~~
30 ~~California Code of Regulations.~~

31 ~~(8)~~

32 (7) Sections 40 to 43, inclusive, of Title 14 of the California
33 Code of Regulations.

34 (8) *Sections 307, 308, and 311 to 313, inclusive, of Title 14 of*
35 *the California Code of Regulations.*

36 (9) Sections 505, 507 to 510, inclusive, and 550 to 553,
37 inclusive, of Title 14 of the California Code of Regulations.

38 (10) Sections 630 to 630.5, inclusive, of Title 14 of the
39 California Code of Regulations.

1 SEC. 133. Section 12001.5 of the Fish and Game Code is
2 amended to read:

3 12001.5. (a) In addition to any other penalty or fine imposed
4 pursuant to this code, if a person has been convicted of one or
5 more offenses that was a violation of a section listed in subdivision
6 (b) separate from the offense before the court, the court may order
7 as a condition of probation upon conviction of the offense before
8 the court that is also a violation of a section listed in subdivision
9 (b), that the person attend the hunter-~~safety~~ *education* course
10 designated in Section 3051 and perform community service,
11 preferably relating to natural resources if that type of community
12 service is available, as follows:

13 (1) If the person has one separate conviction, not more than 200
14 hours of community service.

15 (2) If the person has two or more separate convictions, not more
16 than 300 hours of community service.

17 (b) This section applies to violations relating to a taking in
18 Sections 3007, 3700, 4330, and 4750, and a sale or purchase of
19 parts of a bear in Section 4758.

20 SEC. 134. Section 12002 of the Fish and Game Code is
21 amended to read:

22 12002. (a) Unless otherwise provided, the punishment for a
23 violation of this code that is a misdemeanor is a fine of not more
24 than one thousand dollars (\$1,000), imprisonment in the county
25 jail for not more than six months, or both the fine and
26 imprisonment.

27 (b) The punishment for a violation of any of the following
28 provisions is a fine of not more than two thousand dollars (\$2,000),
29 imprisonment in the county jail for not more than one year, or both
30 the fine and imprisonment:

31 (1) Section 1059.

32 (2) Subdivision (d) of Section 4004.

33 (3) Section 4600.

34 (4) Paragraph (1) or (2) of subdivision (a) of Section 5650.

35 (5) A first violation of Section 8670.

36 (6) Section 10500.

37 ~~(7) Section 3005.9.~~

38 ~~(8) A violation of commission regulations that is discovered~~
39 ~~pursuant to Section 3005.91 or 3005.92.~~

40 ~~(9)~~

1 (7) Unless a greater punishment is otherwise provided, a
2 violation subject to subdivision (a) of Section 12003.1.

3 (c) Except as specified in Sections 12001 and 12010, the
4 punishment for violation of Section 3503, 3503.5, 3513, or 3800
5 is a fine of not more than five thousand dollars (\$5,000),
6 imprisonment in the county jail for not more than six months, or
7 both that fine and that imprisonment.

8 (d) (1) A license~~or, tag, stamp, reservation~~, permit, or other
9 entitlement or privilege issued pursuant to this code to a defendant
10 who fails to appear at a court hearing for a violation of this code,
11 or who fails to pay a fine imposed pursuant to this code, shall be
12 immediately suspended or revoked. The license~~or, tag, stamp,~~
13 reservation, permit, or other entitlement or privilege shall not be
14 reinstated or renewed, and no other license~~or, tag, stamp,~~
15 reservation, permit, or other entitlement or privilege shall be issued
16 to that person pursuant to this code, until the court proceeding is
17 completed or the fine is paid.

18 (2) This subdivision does not apply to any violation of Section
19 1052, 1059, 1170, ~~3005.9, 3005.91, 3005.92~~, 5650, 5653.9, 6454,
20 6650, or 6653.5.

21 SEC. 135. Section 12002.1 of the Fish and Game Code is
22 amended to read:

23 12002.1. (a) Notwithstanding Section 12002, the punishment
24 for taking a mammal or bird for which a hunting license issued
25 pursuant to Section 3031 is required or a ~~license~~ tag, seal, or stamp
26 is required, including a deer tag issued pursuant to Section 3407,
27 without having in one's possession the required, valid license, or
28 without having in one's possession any required ~~license~~ tag, seal,
29 or stamp, or when the taking of that mammal or bird is prohibited
30 by allowable season, limit, time, or area, is punishable by a fine
31 of not less than two hundred fifty dollars (\$250) or more than two
32 thousand dollars (\$2,000), or imprisonment in the county jail for
33 not more than one year, or both that fine and imprisonment, or by
34 any greater punishment prescribed by this code.

35 (b) If a person is convicted of an offense described in
36 subdivision (a) and produces in court a license, ~~license~~ tag, or
37 stamp, issued to the person and valid at the time of the person's
38 arrest and if the taking was otherwise lawful with respect to season,
39 limit, time, and area, the court may reduce the fine imposed for
40 the violation to fifty dollars (\$50).

SEC. 136. Section 12002.11 is added to the Fish and Game Code, to read:

12002.11. Upon the second conviction of any person of a violation of Section 3087 or any regulation adopted pursuant thereto, in any five-year period, and upon any conviction subsequent to the two convictions during a five-year period, it shall be unlawful for that person to conduct any of the activities described in paragraph (1) of subdivision (a) of Section 3087 for three years from the date of the last conviction.

SEC. 137. Section 12002.2.1 is added to the Fish and Game Code, to read:

12002.2.1. (a) Notwithstanding any other provision of law, a violation of any of the following is an infraction, punishable by a fine of not less than fifty dollars (\$50) or more than two hundred fifty dollars (\$250) for a first offense:

- (1) Subdivision (a) of Section 6596.
- (2) Subdivision (a) of Section 6596.1.
- (3) Subdivision (a) of Section 7149.4.
- (4) Subdivision (a) of Section 7149.45.
- (5) Subdivision (b) of Section 7180.
- (6) Subdivision (b) of Section 7180.1.
- (7) Subdivision (a) of Section 7360.
- (8) Section 1.18 of Title 14 of the California Code of Regulations.

(b) If a person is convicted of a violation of any of the sections listed in subdivision (a) within five years of a separate offense resulting in a conviction of a violation of any of those sections, that person shall be punished by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500).

(c) If a person convicted of a violation of any of the sections listed in subdivision (a) produces in court the applicable sport fishing ocean enhancement stamp, sport fishing ocean enhancement validation, second rod sport fishing stamp, second rod sport fishing validation, Colorado River special use stamp, Colorado River special use validation, Bay-Delta Sport Fishing Enhancement Stamp or Bay-Delta Sport Fishing Enhancement validation issued pursuant to this code and valid at the time of the person's arrest, and if the taking was otherwise lawful with respect to season, limit, time, and area, the court may reduce the fine imposed for the violation to twenty-five dollars (\$25).

1 SEC. 138. Section 12013 of the Fish and Game Code is
2 amended to read:

3 12013. (a) In addition to any other penalty prescribed by law,
4 any person convicted of a violation punishable under subdivision
5 (a) of Section 12012 relating to wildlife, except fish, is prohibited
6 from thereafter taking wildlife, except fish, in this state for a period
7 of not less than one year from the date of conviction. In
8 determining the length of the prohibition imposed pursuant to this
9 subdivision, the court shall take into consideration the gravity of
10 the offense for which the person was convicted, including, but not
11 limited to, whether the species was illegally taken for commercial
12 purposes, the magnitude of the offense, damage to the species as
13 a resource in the geographic area where taken, previous convictions
14 for violations of this code, and the motivation of the person
15 convicted. Any license, permit, ~~license~~ tag, ~~license~~ stamp, or other
16 entitlement to take or possess wildlife, except fish, for any purpose
17 other than for commercial purposes that has previously been issued
18 to that person shall be immediately revoked by the court and that
19 person, during the period of the prohibition, shall not apply for a
20 license, permit, ~~license~~ tag, ~~license~~ stamp, or other entitlement to
21 take or possess wildlife, except fish, for any purpose other than
22 for commercial purposes.

23 (b) In addition to any other penalty prescribed by law, any
24 person convicted of a violation punishable under subdivision (a)
25 of Section 12012 relating to fish is prohibited from thereafter taking
26 or possessing fish in this state for a period of not less than one year
27 from the date of conviction. In determining the length of the
28 prohibition imposed pursuant to this subdivision, the court shall
29 take into consideration the gravity of the offense for which the
30 person was convicted, including, but not limited to, such factors
31 as whether the species was illegally taken for commercial purposes,
32 the magnitude of the offense, damage to the species as a resource
33 in the geographic area where taken, previous convictions for
34 violations of this code, and the motivation of the person convicted.
35 Any license, permit, ~~license~~ tag, ~~license~~ stamp, or other entitlement
36 to take or possess fish for any purpose other than for commercial
37 purposes that has previously been issued to that person shall be
38 immediately revoked and that person, during the period of the
39 prohibition, shall not apply for a license, permit, ~~license~~ tag, ~~license~~

1 stamp, or other entitlement to take or possess fish for any purpose
2 other than for commercial purposes.

3 (c) As used in this section, “commercial purposes” means for
4 profit or personal gain, “fish” means fish as defined by Section
5 45, and “wildlife” means wildlife as defined by Section 711.2.

6 (d) This section does not apply to any person who is licensed
7 to take any fish or wildlife for commercial purposes and does not
8 supersede or otherwise affect any other provision of this code or
9 regulations adopted pursuant to this code relating to issuing,
10 suspending, or revoking licenses or other entitlements to take,
11 possess, buy, or sell wildlife or fish for commercial purposes.

12 SEC. 139. Section 12157.5 of the Fish and Game Code is
13 repealed.

14 ~~12157.5. The judge before whom any person is tried and~~
15 ~~convicted of violating Sections 2004 and 2016 and, at the same~~
16 ~~proceeding, is also tried and convicted of violating Section 2001~~
17 ~~or 2005 may, in his discretion, order the forfeiture of any motor~~
18 ~~vehicle or snowmobile used in committing one or more of the~~
19 ~~offenses charged. Any vehicle so forfeited shall be sold or~~
20 ~~destroyed by the department. The proceeds from all such sales~~
21 ~~shall be paid into the Fish and Game Preservation Fund, except~~
22 ~~that any valid liens on the forfeited property shall first be paid~~
23 ~~from proceeds of the sale unless the lienholder is a conspirator.~~
24 ~~For purposes of this section, forfeiture of bail or a plea of nolo~~
25 ~~contendere shall constitute a conviction.~~

26 SEC. 140. Section 12157.5 is added to the Fish and Game
27 Code, to read:

28 12157.5. (a) The judge or commissioner before whom any
29 person is either convicted, forfeits bail, pleads guilty or pleads
30 nolo contendere to violations listed in subdivision (b) may, in his
31 or her discretion, order the forfeiture of any boat, canoe, raft, or
32 other watercraft, aircraft, snowmobile, motorized vehicle, or any
33 other type of motorized conveyance used in committing one or
34 more of the offenses charged.

35 (b) Section 1602, 2080, 2118, 2124, 2346, 2350, 3003.5, 3005,
36 3039, 3501, 3503.5, 3504, 3511, 4004, 4005, 4030, 4301, 4600,
37 4700, 4758, or 5000. This subdivision also includes violations of
38 Section 2005, if the violation involves the taking of big game,
39 mountain lion, fully protected species, or threatened or endangered
40 species.

1 SEC. 141. No reimbursement is required by this act pursuant
2 to Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

O